

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

801 Maine Avenue, SW PJV, LLC : Case No. 22-06

Consolidated PUD & Related :

Map Amendment from MU-12 to :

MU-9A, 899 Maine Ave., SW :

(Sq. 390, Lot 53) - Ward 6. :

-----:

THURSDAY

OCTOBER 6, 2022

The Public Hearing of Case No. 22-06 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
PETER MAY, Commissioner
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

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OFFICE OF THE ATTORNEY GENERAL (OAG)

ALEXANDRA CAIN, ASSISTANT ATTORNEY GENERAL

OFFICE OF PLANNING

JENNIFER STEINGASSER, DEPUTY DIRECTOR

KAREN THOMAS, TRANSPORTATION PLANNING SPECIALIST

DISTRICT DEPARTMENT OF TRANSPORTATION (DDOT)

EMMA BLONDIN, TRANSPORTATION PLANNER

ADVISORY NEIGHBORHOOD COMMITTEE (ANC 6D)

FREDERICA KRAMER, VICE PRESIDENT

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the Public Hearing held on October 6, 2022.

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P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is October the 6th, 2022. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Imamura, and soon to be Commissioner May. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. And our Office of Zoning attorney, from our Office of Zoning Legal Division, Mr. Dennis Liu. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter. The platforms used are webcast live, Webex or YouTube live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign-up, all participants will complete the oath or affirmation required by Subtitle Z, 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called,

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1 please state your name and home address before providing your
2 testimony. When you are finished speaking, please mute your
3 audio.

4 If you experience difficulty accessing Webex or with
5 your telephone call-in, or have not signed up, then please call
6 our OZ hotline number at 202-727-0789. Again, 202-727-0789. If
7 you wish to file written testimony or additional supporting
8 documents during the hearing, then please be prepared to describe
9 and discuss it at the time of your testimony.

10 The hearing will be conducted in accordance with the
11 provisions of 11-Z DCMR, Chapter 4, as follows: preliminary
12 matters, Applicant's case, the Applicant has up to 60 minutes;
13 the report of the Office of Planning and Department of
14 Transportation; report of other government agencies; report of
15 the ANC, also testimony of organizations, five minutes and
16 individuals, three minutes. And we will hear in the order from
17 those who are in support, opposition, or undeclared. Okay. After
18 those -- let me just read this. I don't normally read this.
19 After the testimony of those in support, we'll hear from the
20 parties in opposition, and then proceed with the individual
21 testimony if applicable. Then we'll have rebuttal and closing
22 by the Applicant. Again, the OZ hotline number is 202-727-0789
23 for any concerns during this proceeding.

24 The subject of this evening's hearing is 801 -- Zoning
25 Commission Case No. 22-06. This is 801 Maine Avenue, Southwest,

1 PJV, LLC Consolidated Planned Unit Development and related map
2 amendment at Square 0390, Lot, 801 Main Avenue, Southwest. And
3 again, today's date is October the 6th, 2022, and the ANC tonight
4 is ANC 6D.

5 So with that, I'm going to ask Ms. Schellin, do we have
6 any preliminary matters? Or if my colleagues have preliminary
7 matters, you can speak up. If not, we will we continue to move
8 on.

9 Ms. Schellin?

10 MS. SCHELLIN: Yes, sir. So we have a -- one, two,
11 three party status request in opposition, if you'd like to do
12 those first. If so, I'll proceed with that.

13 CHAIRPERSON HOOD: Yeah, let's do the party status.

14 MS. SCHELLIN: Okay.

15 CHAIRPERSON HOOD: Yeah.

16 MS. SCHELLIN: So the first one is from Capitol Square
17 Homeowners Association, in opposition: Erin Berg,
18 Corinne Carroll, Patricia Giorno Ramos, Gustavo Pinto, and
19 Gail Fast have been permitted to testify for the party. And that
20 is at Exhibit 22 and 22A. The Applicant did file opposition to
21 their request, stating that they did not provide the
22 documentation that gave permission for them to proceed in this
23 case, and they followed up with a supplement to their request
24 that does give them permission from the homeowners association
25 to proceed in this proceeding with the representatives as stated

1 in their supplement. So we have this for the Commission to make
2 a decision on.

3 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. As
4 Ms. Schellin has already teed up so well, I don't have to do a
5 whole lot of talking, which I won't. The application came in.
6 It did -- it fell short. The Applicant responded to that
7 application, and I think the Capitol Square Homeowners
8 Association in an amendment, which I believe is 22A Exhibit,
9 followed up with the permissions to be able to proceed as a party.
10 I'm in favor of giving them party status, unless we have any
11 objections.

12 (No audible response.)

13 CHIARPERSON HOOD: Okay. Not seeing any -- no
14 objections, we will grant them party status. Okay.

15 Next, Ms. Schellin.

16 MS. SCHELLIN: Okay. So next, the next two I'm actually
17 going to call them together. Corinne Carroll and Gustavo Pinto,
18 they are both residents within 200 feet. And the reason why I'm
19 calling them together is because they are also members of Capitol
20 Square Homeowners Association, and they were also named to be
21 permitted to testify for the Capitol Square Homeowners
22 Association. So I just want to put that out there. They are
23 applying for individual party status, but I did want to point out
24 that they are also members of the party in opposition that you
25 just granted party status to. But they are asking for individual

1 party status in opposition and that's at Exhibit 39, 39A, and 33.

2 CHAIRPERSON HOOD: Thank you, Ms. Schellin. I saw
3 that. I'm not sure. Unless I missed something, I think they
4 could probably come together with Capitol Square Homeowners
5 Association unless my colleagues saw something else. I'm not
6 sure what different they have. And I'm sure they will have time
7 to testify in that case. I would just ask that those two persons
8 join the party in which building they live in. But let me hear
9 from others while I try to clear my throat.

10 COMMISSIONER MAY: Yeah, Mr. Chairman, I think you're
11 on the right track. It's unusual to have, you know, a collective
12 party and then also have members from within that party or even
13 like part of the testimony for that party to be separately
14 considered parties. And I don't know that there's really any
15 advantage to them, or to us, to have them considered as a separate
16 party. And like I said, it's unusual to have this. And I think
17 if their interests are common among the rest of the members of
18 their association, then so, I don't think they are -- when you
19 consider it in that way, I don't think they're really uniquely
20 affected when they are, you know, they have next-door neighbors
21 who have the same effect, and everybody is represented by that
22 association.

23 CHAIRPERSON HOOD: Okay. Thank you. Any other comments
24 on that issue?

25 (No audible response.)

1 CHAIRPERSON HOOD: All right. So we will deny them
2 party status, but let them also know that they can join their
3 neighbors, which is the same development, Capitol Square
4 Homeowners Association, and they can also --

5 MS. SCHELLIN: Can you do a vote on that, please, since
6 you're denying it?

7 CHAIRPERSON HOOD: I just was making a statement for
8 the record.

9 MS. SCHELLIN: Okay.

10 CHAIRPERSON HOOD: So they can join -- what they can
11 do is join the group that we've given party status, or they will
12 have time -- as Commissioner May said, they're not uniquely
13 affected -- and they can join the party that we gave party status.
14 Hopefully, they can work that out together. If not, we will hear
15 their testimony because they're not -- as he stated, our
16 regulations say, "uniquely affected." And all of them appear to
17 be affected the same way. So with that, I'll make a motion that
18 we deny the name Pinto and the name Carroll party status with
19 the explanation I provided previously, and ask for a second.

20 VICE CHAIR MILLER: Second.

21 CHAIRPERSON HOOD: It's been moved and properly second.
22 Any further discussion?

23 (No response.)

24 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
25 you please record the vote?

1 MS. SCHELLIN: Yes.

2 COMMISSIONER HOOD: Yes.

3 MS. SCHELLIN: Commissioner Miller?

4 VICE CHIAR MILLER: Yes.

5 MS. SCHELLIN: Commissioner May?

6 COMMISSIONER MAY: Yes.

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: The vote is four to zero to one to deny
10 party status to Corinne Carroll and Gustavo Pinto, and the minus
11 one being the third mayoral appointee being vacant. Thank you.

12 CHAIRPERSON HOOD: Okay. Anything else?

13 MS. SCHELLIN: The only other preliminary matters are
14 expert witnesses, Matthew Bell. He has previously been accepted.
15 Brett -- oh, boy, I'm going to mess this one up -- Swiatocha. I
16 don't think we've heard from him before. Robert Schiesel.

17 CHAIRPERSON HOOD: Ms. Schellin, let's do all the ones
18 that we've heard from. Let's do all the -- and then we'll come
19 back to Mr. Swiatocha.

20 MS. SCHELLIN: Okay. The ones we've heard from before?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Robert Schiesel we've heard from before.
23 Shane Dettman --

24 CHAIRPERSON HOOD: Okay. All right. So those three
25 we've heard before -- Mr. Bell, Mr. Schiesel and Mr. Dettman --

1 I think we've all heard.

2 Any objections to continuing that status?

3 (No audible response.)

4 CHAIRPERSON HOOD: No objections?

5 Okay. Ms. Schellin, let's go back to Brett Swiatocha.

6 I think I got that correctly.

7 MS. SCHELLIN: That's at Exhibit 15D and also
8 Gabriella Cañamar, 15D also. So --

9 CHAIRPERSON HOOD: So Brett -- let's do Brett first
10 Swiatocha. And I'm sure they will let us know if you messed up
11 their name, but I think I got it correctly.

12 So any objections to Mr. Brett Swiatocha or tucha?

13 COMMISSIONER MAY: I just have a question. I mean,
14 looking this over again. There is not an indication of how long
15 Mr. Swiatocha has been in practice, a registered architect. But
16 I don't have any idea, you know how long has he been in practice,
17 and how long he's been an architect, and if the Applicant could
18 just answer that. That's helpful information to have in a resume
19 that we would consider for expert status.

20 CHAIRPERSON HOOD: Right.

21 Let's bring the Applicant up. And also, we can bring
22 up Mr. Swiatocha up as well. I'm sorry. This is Holland &
23 Knight. Are they all in the same room?

24 MS. SCHELLIN: Yes.

25 COMMISSIONER MAY: Oh, my.

1 MS. BATTIES: I heard that, Commissioner.

2 COMMISSIONER MAY: Yeah.

3 MS. BATTIES: Good afternoon. We have it together
4 today.

5 For the record, Leila Batties with the law firm of
6 Holland & Knight.

7 Mr. Swiatocha, has been previously accepted as an
8 expert by the Zoning Commission in Zoning Case 02-38I.

9 COMMISSIONER MAY: What I am curious is how long he's
10 been a practicing architect?

11 MR. SWIATOCHA: For the record, Brett Swiatocha with
12 Perkins Eastman DC. I've been practicing with Perkins Eastman
13 DC since 2010, and for three years prior to that, since graduation
14 in 2007.

15 COMMISSIONER MAY: Okay.

16 MR. SWIATOCHA: 15 years.

17 COMMISISONER MAY: Yeah. Thank you. Yeah, I thought
18 your name was familiar form a prior case, but -- because it's
19 unusual. It's not the average everyday name, like May, Hood, and
20 Miller.

21 MR. SWIATOCHA: Yeah.

22 COMMISSIONER MAY: Imamura.

23 CHAIRPERSON HOOD: Imamura. Yeah. Yeah. Okay.

24 So we will continue that status unless I hear any
25 objections.

1 The next one, as Ms. Schellin has already mentioned is
2 Cañamar. Did I pronounce your name right? Cañamar, Gabriel?

3 MS. BATTIES: Gabriela Cañamar, and she has been
4 previously accepted as an expert witness as well.

5 CHAIRPERSON HOOD: She's been previously accepted as
6 well?

7 MS. BATTIES: Yes. This year.

8 COMMISSIONER MAY: Okay. Yeah.

9 CHAIRPERSON HOOD: On landscape. Okay.

10 Any objections to continuing that status? So we
11 have --

12 COMMISSIONER MAY: There are some dates in her resume,
13 so I have a sense of how long she's been in practice.

14 CHAIRPERSON HOOD: So we will continue that status, and
15 we will update our books.

16 Okay. Anything else, Ms. Schellin?

17 MS. SCHELLIN: No, sir. I'm just going to -- I'm going
18 to find out from the party in opposition who will be doing their
19 (indiscernible) examination, which person will be designated for
20 that. So I will reach out to them and find out which person will
21 be doing that for you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 All right. Ms. Batties, you may begin. And I would
24 ask that -- you know we look at in your presentation, I don't
25 have to tell you what we look at: racial equity, outreach, those

1 kinds of things as well we want to include. But I'll turn it
2 over to you, and hit the highlights and where the differences
3 are, where we're having problems. So I'll turn it over to you.

4 MS. BATTIES: Thank you. Leila Batties, Dennis Hughes
5 and Chris Cohen with Holland & Knight, Counsel to the Applicant,
6 which is a special purpose entity affiliated with Jair Lynch Real
7 Estate Partners.

8 Jair Lynch seeks approval of a PUD and related Map
9 Amendment from the MU-12 to MU-9A zone for Lot 53, Square 390,
10 which is a 1.23-acre site, located at the intersection of 9th
11 Street and Maine Avenue, Southwest, across the street from The
12 Wharf. The proposed PUD is of mixed-use building consisting of
13 498 residential units and approximately 24,000 square feet of
14 ground floor retail. Seventy-five units will be set aside as
15 affordable, which is equal to 15 percent of the residential gross
16 floor area.

17 The application should be approved by the Commission
18 for four reasons: First, the rezoning and proposed redevelopment
19 --

20 MS. SCHELLIN: I'm sorry. Ms. Batties, Mr. Cohen did
21 not register to testify, so we need to give him the oath.

22 MR. COHEN: I did (indiscernible).

23 MS. BATTIES: Okay. Well, he will not speak in this
24 evening's --

25 MS. SCHELLIN: Is he going to answer any questions?

1 MS. BATTIES: No.

2 MS. SCHELLIN: He won't answer any questions?

3 MS. BATTIES: No.

4 MS. SCHELLIN: Okay.

5 MS. BATTIES: All right. There --

6 MS. SCHELLIN: He's just going to sit there. Okay.

7 MS. BATTIES: Thank you. Sorry about that.

8 MS. SCHELLIN: Okay.

9 MS. BATTIES: The application should be approved by the
10 Commission for four reasons.

11 First, the rezoning and proposed development is
12 consistent with the property's designation on the Comprehensive
13 Plan Future Land Use Map, which is medium density commercial, and
14 this has been a properties Land Use designation since the adoption
15 of the 2006 Comprehensive Plan.

16 Second, the design and scale of the development is
17 consistent with the guidance provided in the Southwest
18 Neighborhood Small Area.

19 Third, the PUD benefits and amenities are commensurate
20 with the development flexibility, specifically the height and
21 density achieved through the PUD process. And the project's
22 impact will be mitigated and/or acceptable given the project's
23 benefits and amenities.

24 And finally, the PUD provides more IZ units than what
25 would be required if the applicant pursued a straight zoning map

1 amendment that OP could support, which was MU-8.

2 Mr. Chairman, I know that the Zoning Commission takes
3 very seriously outreach to community stakeholders as part of the
4 PUD process. So the last thing I'd like to highlight in my
5 opening remarks is the extensive outreach efforts of the Jair
6 Lynch team. Even before we were actively engaged as zoning
7 counsel for the project, representatives from Jair Lynch
8 discussed the proposed redevelopment of the property with ANC 6D,
9 and even went as far as to ask their input on seeking approval
10 of a PUD versus a standalone map amendment. ANC 6D created a
11 subcommittee chaired by Commissioner Lightman who's single-member
12 district includes the property -- Commissioner Kramer.

13 We were directed to meet with that subcommittee
14 throughout the PUD process in order to understand and address the
15 community concerns. We met with this subcommittee 25 times
16 between February and July. We also met with the residents of
17 the Capitol Square townhomes on the north side of G Street three
18 times. And these meetings were more than just the Applicant
19 hearing what the community had to say. These meetings resulted
20 in substantive changes to the project design, primarily related
21 to building height and traffic circulation, and an expansion of
22 the PUD benefits and amenities package. For example, Jair Lynch
23 pursued and received concept approval for two curb cuts serving
24 the private alley for the project, so that G Street would not be
25 the only means of ingress and egress. Also, the PUD

1 was -- benefits and amenities package was expanded to include
2 approximately \$750,000 of improvements along 9th Street.

3 Finally, the Jair Lynch team was persistent in its
4 outreach to the Jefferson Middle School Parent/Teacher
5 Organization, because the middle school is adjacent to the
6 project site. Early in the zoning approval process, the PTO
7 asked the team how traffic circulation from the development
8 relates to the middle school, which we addressed in our prehearing
9 statement. Also, the PTO wanted to make sure that the
10 construction protocols mitigate the impacts of noise and dust on
11 the school. From that discussion, the Jair Lynch team agreed to
12 enter into a construction management plan that addressed the
13 PTO's concerns. The Jair Lynch team also agreed to contribute
14 \$150,000 to the PTO to fund offsite programming, especially
15 well -- while the PUD site is under construction.

16 The Applicant spent so much time meeting with the ANC
17 6D subcommittee and the HOA to address their concerns, they had
18 only a limited amount of time to meet with those who are
19 supportive of the project. Notwithstanding, there are 21 letters
20 in support of the project in the hearing record from people who
21 reside and work -- or work within one mile of the PUD site. And
22 in those letters, they expressed their desire for the PUD benefits
23 and amenities, including the grocery store and the traffic
24 improvements on 9th Street.

25 In addition to community stakeholders, the Applicant

1 has engaged with the Office of Planning and DDOT throughout the
2 zoning approval process. Both agencies issued favorable reports
3 providing support for why the application meets the legal
4 standard of review, and should be approved by the Zoning
5 Commission. This concludes my opening remarks.

6 The next person to testify for the applicant is Malcolm
7 Haith with Jair Lynch. He will be followed by Mr. Swiatocha of
8 Perkins Eastman, who will discuss the project site plan and
9 design. Bob Schiesel of Gorove Slade will discuss the
10 transportation considerations, and Shane Dettman of Goulston &
11 Storrs will testify on the PUD's compliance with the
12 Comprehensive Plan and the Southwest Neighborhood Small Area
13 Plan. Thank you.

14 MS. BATTIES: Paul, can you pull up the PowerPoint?
15 Thank you. And you can go to the next slide.

16 MR. HAITH: Thank you, Commissioners. I'm
17 Malcolm Haith. I'm the -- a developer with Jair Lynch Real Estate
18 Partners. I'm joined here this afternoon by Ruth Hoang and
19 Radhika Mohan. We are the owner and developer of 899 Maine
20 Avenue.

21 For those of you who don't know, Jair Lynch is a local
22 real estate firm founded nearly 25 years ago on three pillars of
23 people, place, and prosperity. We build across the District in
24 the region all types of properties, including office, retail
25 libraries, community centers, schools, to market rate, attainable

1 workforce, senior and permanent supportive housing.

2 Jair Lynch has developed or acquired over 10,000
3 housing units, of which over 4,000 serve families earning up to
4 60 percent MFI. First and foremost, we are community builders.
5 We believe in creating spaces that will stand the test of time,
6 generating value and opportunities for neighbors and residents.

7 Next slide please.

8 As Leila mentioned, with this PUD process, we've met
9 with the community and neighbors over 50 times in the past year.
10 We were tasked by our SMD, Commissioner Lightman and the community
11 to come up with a plan that addresses the 9th Street traffic,
12 streetscape and shifting the 9th Street -- or I'm sorry, the G
13 Street curb cut, and architectural design that is contextual and
14 has neighborhood retail that includes a grocer and a bank. We
15 were also tasked to address affordable housing and celebrate
16 southwest culture through art.

17 Next slide.

18 Through conversations with the ANC subcommittee, we
19 tried to address those concerns as best we could and are
20 appreciative for the feedback from the ANC, the subcommittee, and
21 the greater community. And though, at times, those conversations
22 were frank, they were collaborative. We made tremendous progress
23 in those meetings that we believe the building design and function
24 is better for it. We are proud of the building that we have
25 created and collaborated on with the community.

1 In addition to the ANC, we have continued conversations
2 with Capitol Square Townhomes HOA, Town Square towers HOA, the
3 Southwest BID, Southwest Community Center, Southwest DC Action,
4 The Wharf and others, as well as several conversations and now
5 support from the project from Jefferson Middle School Academy
6 Parent/Teacher Organization.

7 Next slide.

8 Over those discussions, mostly with the subcommittee,
9 we adjusted the design in response to varying feedback from the
10 communities. As shown in the image on the top left corner, we
11 started the process with the MU-10 zoning and a consistent 110
12 feet across the site. In response to the ANC and the community
13 about the scale of the building, we proposed MU-9 zoning. This
14 allowed us the flexibility to shift and to be away from G Street
15 to Maine Avenue. As shown in the image on the top right, the
16 G Street portion of the building is at 100 feet. With additional
17 comments, we further lowered the G Street portion of the building
18 to 90 feet, while increasing the Maine Avenue side to 130 feet.

19 This is the baseline for the massing in our application
20 and is shown in the images on the bottom row. Further adjustments
21 to the courtyard in relation to the building to its context were
22 also made. Our height adjustments and scale are a result of a
23 robust dialogue and reflect the desires of both the Office of
24 Planning and the community.

25 Next slide.

1 Outside of the building design we have expanded,
2 revised, and refined our benefits and amenities package through
3 the PUD process. And we are pleased used to provide the creation
4 of approximately 498 housing units, including 86 two-bedroom
5 units and eight affordable three-bedroom units. We're also
6 providing 15 percent of GFA devoted to affordable IZ units and
7 60 MFI. This is approximately 75 units including 16 three-bedroom
8 units, and all 8 three-bedroom will be affordable.

9 We are providing a LEED Platinum building with superior
10 urban design and efficient and economical land utilization.
11 There were several discussions and iterations with the community
12 and the subcommittee. We derived a plan for re-envisioning of
13 9th Street on addressing traffic concerns. This includes
14 approximately \$750,000 in infrastructure improvements, and the
15 addition of elements requested from -- by the community,
16 including a PUDO zone, expanded pedestrian streetscape and
17 landscape, and a shifted curb cut off of G Street. We are also
18 providing a contribution to public art.

19 In addition, we are excited to bring neighborhood
20 serving retail to the community, including a grocery store and a
21 bank, which were requested the community.

22 I will now pass to Brett Swiatocha to discuss the
23 architectural design in more detail. Thank you.

24 MS. BATTIES: Next slide, please.

25 MR. SWIATOCHA: Brett Swiatocha, Perkins Eastman DC.

1 So the first part of my presentation will be intended
2 to orient everybody to the site within the Greater Southwest
3 context of D.C., and illustrate the existing conditions around
4 the site which served as a -- the basis for our approach to the
5 overall design that has been proposed.

6 You can see in this overall satellite image the
7 building's position along Maine Avenue. We are within walking
8 distance of L'Enfant Metro, as well as the Waterfront Station
9 Metro, and within walking distance of the cultural amenities and
10 neighborhood resources that made southwest -- the Southwest
11 neighborhood great.

12 Next slide, please.

13 Zooming in a little closer on the site, you can see its
14 position within the immediate context, with Capitol Square
15 Development to the north, Jefferson Recreation Field and
16 Jefferson Middle School Academy to the east, Maine Avenue and The
17 Wharf to the south, and Banneker Park and overlook to our west.

18 You'll also see in this image, off to the right, Town
19 Square towers. And the important thing to note here is a similar
20 relationship that's established between -- existing with Capitol
21 Square Towers to the low to midrise development of the apartment
22 buildings north of G Street, to the design that you'll see that
23 we've proposed, the relationship of 90 feet at G Street to Capitol
24 Square development north of G Street.

25 Next slide please.

1 The next series of images will illustrate with photos
2 the existing context around the site. Here we're standing on the
3 east -- east side of 7th Street on G looking west toward the
4 site, which you can see the existing office building in the
5 distance. You also see the dense, beautiful mature trees that
6 line G Street in the foreground, as well as Capitol Square
7 development there on the right side, or part of Capitol Square
8 development on the right side of the image.

9 Next slide, please.

10 If we move across 7th Street and turn around and look
11 east on G, back toward Town Square Towers, you can see again,
12 just barely peeking over the trees there, the top of Town Square
13 Towers with that similar relationship of 90 feet existing to the
14 three-story apartment development on the north side of G Street.

15 Next slide please.

16 Here, we've moved across 7th Street, turned around on
17 7th Street and looking east, west -- sorry, west toward the site.
18 You can see how dense the tree coverage really is here in front
19 of the Capitol Square development, and just barely peeking
20 through the trees on the left-hand side of the photo is the
21 existing office building on the site.

22 Next slide, please.

23 In this image, we're actually standing in front of the
24 development at Capitol Square looking south across G Street. And
25 you can see the view, the predominant view out of those existing

1 houses is toward the recreation fields of Jefferson. The existing
2 warehouse structure that exists there, you can see it covered in
3 ivy on that north side of the building, and Jefferson Middle
4 School Academy off in the distance there on the left side of the
5 image.

6 Next slide, please.

7 Here, we see 9th Street, which I think all will agree
8 is less than an ideal pedestrian condition. You'll see later on
9 in the presentation of our proposed design, the improvements that
10 we're proposing for 9th Street, which greatly increases the
11 amount and quality of pedestrian space on 9th Street as you move
12 north and south, along the edge of the site.

13 Next slide, please.

14 And then finally, for the existing conditions, we have
15 a photo here standing in front of The Wharf, looking back toward
16 the existing suburban style office building that exists on the
17 site. The existing office building was built at a time when
18 suburban style buildings were being built in urban conditions,
19 and the existing building does not support the urban condition
20 with activation of the street fronts. And you'll see later on
21 the way that our proposed design works much more appropriately
22 for this vibrant urban condition that we have existing in
23 Southwest D.C.

24 Next slide, please.

25 This is a quick overview diagram of some of the major

1 points that have shaped our approach to design in addition to
2 that existing context. You can see here that, you know, clearly
3 with the triangular shape of the site and the approaches, there
4 are three major corners that will be highly visible.

5 In addition, there are three major phases of this site
6 and this building that each have to address very unique and
7 nuanced context. And in our design, we worked very hard to have
8 the building design address those appropriately for the existing
9 contexts.

10 Next slide, please.

11 The massing view here illustrates the way that we've
12 sculpted the 3D configuration of the building to address those
13 different contextual conditions that we just saw in images and
14 referred to in that diagram. The relationship of the building
15 along Maine Avenue addressing the height and massing and scale,
16 general configuration of the buildings at The Wharf. The breaks
17 in the building that are intentionally composed to scale the
18 building appropriately to each of its frontages, as well as break
19 down the overall length of any individual component of the
20 building. And then, of course, the stepping of the building in
21 two locations, most significantly down from Maine Avenue to G
22 Street to address that existing context of Town Square
23 development to the north, and then also the stepping of a single
24 story as we move southeast along Maine Avenue toward Jefferson
25 Middle School and deeper into the neighborhood of The Wharf and

1 Southwest D.C.

2 Next slide please.

3 The section here just further illustrates the condition
4 of the building as it relates to the context. You know, moving
5 in a north-south direction primarily you see the relationship of
6 the height and scale and massing to Maine Avenue. The break in
7 the building created by the entrance court to the -- or entrance
8 plaza that serves the lobby of the building, and then the
9 90-foot portion of the building closer to G Street and the
10 existing 50-foot Capitol Square development on the left side of
11 this section.

12 Next slide, please.

13 The Wharf has served to really activate Maine Avenue
14 as our retail Street. And our design of the building serves to
15 really reinforce that development of Maine Avenue as a retail
16 Street by introducing retail and activating the frontage on Maine
17 Avenue and turning the corner onto 9th with that approximately
18 24,000 square feet of retail as described by Leila earlier.

19 On the east side of the building is where all of the
20 vehicular and loading access occurs off of the proposed
21 north-south private drive. Bicycle access to parking a half
22 level down from that -- from the garage entry ramp is also located
23 within the building. And those service elements of the building
24 are also conveniently located and screened -- intentionally
25 screened behind the existing warehouse structure that exists

1 there. So it really diminishes the impact of any of those
2 components on the active frontages of the building and allows us
3 to really focus our attention on activating 9th and Maine.

4 Next slide, please.

5 There is a fairly significant change in grade between
6 Maine Avenue and G Street, a full story. And working with that
7 typography, we actually strategically located the lobby up a full
8 story from a Maine Avenue access via that entry plaza that you
9 see at the ground floor. Together with that green space, the
10 lobby, the two-story point access townhouses -- townhouse style
11 units at the north side of the building, and the retail that
12 turns the corner on Maine, we are really activating this full
13 length of the building. You also start to see here the peel back
14 of the building from the property line at the southern end of
15 the site, which really is part of developing that active
16 pedestrian frontage along the full length of 9th.

17 And at the southern end of the site, we peeled the
18 building back to expand that pedestrian zone. And at the northern
19 end of the site, we've made significant -- proposed significant
20 changes to the street configuration to dedicate less space to
21 vehicular paving and more space to active and landscaped
22 pedestrian scale environment. You'll see that in some further
23 exhibits.

24 Next slide, please.

25 This slide illustrates the distribution of the proposed

1 75 IZ units and really just highlights that we are proposing that
2 those are distributed around all frontages of the building, and
3 generally through all of the levels of the building, short of the
4 top three levels.

5 Next slide, please.

6 The penthouse level of the building has communal
7 recreation space as well as units. The active indoor and outdoor
8 communal recreation spaces are intentionally biased to the most
9 active corner of the site, adjacent and across from The Wharf,
10 and intentionally separated from both the school, Jefferson
11 Field, and Capitol Square development to the north.

12 Next slide, please.

13 And the roof plan here illustrates that we are fully
14 compliant with all of the setback requirements and illustrates
15 the height and components of each of the building -- each of the
16 elements on the roof of this building.

17 Next slide, please.

18 We'll quickly move around the site here and the
19 renderings showing the architectural development beyond massing.
20 And we'll go in kind of a similar pattern to the way we moved
21 around from the existing context photos here. Standing east of
22 or flying east of 7th Street rather, looking back toward the
23 site, you see the way that we've composed the building, almost
24 to develop a streetscape type character of multiple buildings,
25 multiple scales, each that address the unique conditions of the

1 context of the site.

2 The building you also see here really serves to define
3 the open space established and existing at Jefferson recreation
4 field and create a backdrop. And you see indications here of
5 art on the building. Art is a significant part of the developer's
6 kind of ethos and approach to development. And so, the building
7 serves to create essentially a kind of canvas for the development
8 of that art that will be visible from multiple points around the
9 site.

10 Next slide, please.

11 This image reinforces a lot of the same things that
12 we've already talked about, including the stepdown and massing
13 and scale. But what you start to see more distinctly here is
14 the definition of unique elements and the scale of the elements
15 on a building on the north G Street wing of the building as
16 compared to Maine Avenue. And how those components, like the
17 expression of bay balconies, bays, and, you know, the point access
18 tap two story base of the building with the units there, start
19 to scale the building more toward the residential scale, the
20 development to the north, while the Maine Avenue wing really
21 starts to work within the context of The Wharf, the existing
22 Wharf structures, and the corner of the building working in
23 dialogue with that existing Wharf building across the street to
24 create almost a gateway or a threshold to this section of
25 Southwest D.C.

1 Next slide, please.

2 This illustrates similar things. And I think a key
3 element here is the introduction of the south-facing court,
4 elevated plaza I would say, that serves the (indiscernible) space
5 for the units. This, you know, the introduction of that element
6 breaks up the street wall of the building and creates these
7 elements that -- the tower kind of elements, and the expression
8 of the Maine Avenue wing of the building that work in conjunction
9 with the scale of what we see a lot of the buildings existing at
10 The Wharf. And then as similar -- as inspired by the diagram
11 shown earlier, you see the unique kind of condition created by
12 the corners of the building at each of those primary corners on
13 the site.

14 Next slide, please.

15 Again, here, you see those same conditions. And what
16 this illustrates, again, and reinforces is the view from the
17 existing development to the north, south, across the open space
18 of the field. We also see again that relationship between Town
19 Square Towers and the similar scale three-story developments to
20 the north. And that -- the unique condition of that corner, the
21 southeast corner of the building.

22 Next slide, please.

23 And quickly dropping down to a pedestrian level to give
24 you a sense of the experience of the building, you know, from
25 the street level. Here, you're standing on G Street. You can

1 tell based on the existing photos that we showed previously,
2 we've intentionally omitted some trees here, so you get a sense
3 of what the building looks like. And again, this shows that
4 development of the scale of the building, the development of kind
5 of multiple articulations, creating a streetscape-like feel for
6 the building.

7 Next slide, please.

8 Here, the key thing to see is that the scale of the
9 elements on that G Street wing of the building are really scaled
10 toward the residential scale development to the north. You have
11 the two-story point access units, and then the prevalence of bays
12 creating, activating the frontage overlooking Banneker, and then
13 the step in scale to match what we see across at The Wharf.

14 Next slide, please.

15 Here's that view from Maine Avenue showing, you know,
16 really I think what this successfully shows is the breakdown in
17 the overall scale of the building. You see, rather than a single
18 building, you tend to read this building as multiple masses on
19 the site, each with a different articulation and scale addressing
20 its unique context.

21 Next slide.

22 Again, focused on the Maine Avenue frontage, you can
23 really see the activation of that retail base of the building
24 (audio interference) dialogue with what we see across the street
25 at The Wharf and the activation, you know, the breakdown in scale

1 of the building with that court, elevated terrace between the two
2 main masses on Maine Avenue.

3 Next slide.

4 And just quickly, for illustrative purposes, showing
5 the building inserted into those existing context photos. For
6 scale purposes, you see the building in the background, on the
7 right-hand side of the image, on the left-hand side is the
8 existing condition. You can see how the building steps down and
9 creates that defined edge for Jefferson field.

10 Next slide.

11 Here you see the building as viewed underneath the
12 existing dense tree canopy on G Street, you know, illustrating,
13 you know, the activation of that frontage and really, to some
14 degree, the limited view of the building that you do get for the
15 -- much of the length of G Street.

16 Next slide.

17 And here on the left, you see that existing
18 pedestrian -- less than ideal pedestrian condition on 9th Street
19 and the improvements that we're proposing with the significant
20 expansion of that pedestrian environment with the reconfiguration
21 at the intersection of 9th and G and the introduction of
22 significant landscaping, creating, you know, a beautiful, urban
23 pedestrian environment along this side of our building.

24 Next slide.

25 And with that, we will turn the presentation over to

1 transportation.

2 MR. SCHIESEL: Good evening, Commissioners. My name
3 is Robert Schiesel. I'm a transportation engineer with Gorove
4 Slade. Our comprehensive transportation review is entered into
5 the record. So per Commissioner Hood's request, I'm going to
6 stick to the highlights of this project's transportation
7 elements.

8 First, next slide.

9 I'm going to start with the design of the private out.
10 It was a little bit of a unique evolution of how the site access
11 developed for this project. And it's mainly because the ultimate
12 solution we came to, just a private -- I'll link up on the screen,
13 had to do three things: It had to balance DDOT's standards and
14 the feedback we received from them; the needs of the building,
15 especially the desire to have a tenant that can be a grocer; and
16 feedback from the community. To help meet the DDOT standards,
17 the main driveway is located on G Street, and a curb cut located
18 at the DDOT minimum spacing standard of 60 feet from 9th.

19 I would note it's only able to meet that spacing
20 standard because of the improvements, which I'll get to soon,
21 that we're proposing along 9th Street.

22 Second, to meet the needs of the building, we studied
23 various ways a grocery store could get large trucks in and out
24 of the site. The best way we found to accommodate the needs is
25 having trucks entering on Maine Avenue and exiting on G Street.

1 So this is why there is a second access point to be along Maine
2 Avenue. And per DDOT's request, it will be limited to these
3 large trucks.

4 Finally, after hearing feedback from the townhome
5 community, we shifted the G Street curb cut as far west as it
6 could go. As I said pre- -- like prior, it is, at the minimum,
7 it meets minimum spacing standards. And we did -- we went to
8 the minimum spacing standards at the request. In our
9 conversations with the community stakeholders, we were told of
10 several issues and one of them was cut through across G Street,
11 as drivers were coming through the townhome community and
12 shooting across G Street straight into this driveway. And based
13 on that feedback, we shifted that driveway as far west as it
14 could go.

15 Next slide.

16 The private alley will also include signing, marking
17 other operational measures to enforce this site access plan
18 because it is a little unique. And all of these measures will
19 have the goal of ensuring that only the large grocery trucks use
20 the curb cut at Maine Avenue, nobody goes the wrong way, and we
21 don't create any safety issues at the Maine Avenue site in that
22 curb cut. We're going to be working with DDOT on these measures
23 all the way through the final public space process.

24 Next slide.

25 I think another major unique aspect of this project,

1 especially for Gorove Slade, was very early on Jair Lynch came
2 to us and asked us to develop or think outside the box and
3 whatever transportations -- transportation improvements that
4 could be potential benefits for the project. Something that
5 normally wouldn't be considered in a CTR or part of a traditional
6 mitigation package for a project of this size. So we did. After
7 putting our pencils down and coming up with a few alternatives,
8 we perfectly presented some ideas to the community, we evolved
9 that. We sent that to DDOT for their review, got their feedback,
10 and we pushed it along a little bit further. And what you see
11 on the screen is the result.

12 These improvements are basically on 9th Street between
13 G Street and Maine Avenue. They include the removal of
14 unnecessary pavement that's needed for vehicular traffic,
15 including some of the higher speed slip turn lanes and basically
16 repurposes all that room with bicycle lanes and a significant
17 increase in the amount of room dedicated for pedestrians. There's
18 also some relocation and shortening of some crosswalks that will
19 help pedestrian flow and safety across 9th Street.

20 One of the driving influences of this concept was the
21 feedback we received from the ANC. They informed us of issues
22 when the office building was getting operation about double
23 parking in front of the lobby on 9th Street. So one of the things
24 that this -- we adjusted in this plan was the incorporation of a
25 pick up and drop off zone so in front of this building's lobby.

1 Next slide.

2 Some of the changes can be seen on a side-by-side with
3 the existing aerial and the proposed changes. Most of this, if
4 you look around on the southwest corner of 9th and G Streets,
5 you see both sides, the removal of those little special lanes for
6 the turns, southbound and northbound, and how we're able to pull
7 the resulting curb out to put at that southwest corner. You can
8 see it on the image some nice landscaping that Brett showed you
9 in the image before.

10 We also analyzed all these improvements technically in
11 our comprehensive transportation review. The analysis result
12 basically said that all the safety and multimodal benefits that
13 come by these improvements are at minimal cost for vehicular
14 capacity.

15 Next slide.

16 The mitigations recommended in our CTR consists of two
17 things: the loading management plan and a transportation demand
18 management plan. The loading management plan is a set of measures
19 that will make the private alley function as designed. As I said
20 before, helping prevent conflicts between the loading vehicles,
21 the trash trucks and the cars accessing the parking garage.

22 The transportation demand management plan is a set of
23 measures to help minimize the vehicular trips generated by the
24 project. What's in front of you is just some of the measures on
25 these plans. The full and comprehensive lists are in our report.

1 Next slide.

2 Over the course of the project, we met with DDOT
3 multiple times. We reviewed the access. We coordinated the
4 improvements I just showed about 9th Street, and we also discussed
5 and agreed to our methodologies and scope of our transportation
6 analysis. And we look forward to continuing coordination with
7 DDOT. As we do things, like get to the final design, a lot of
8 these elements are public space.

9 Regarding their staff report, the Applicant agrees and
10 accepts all DDOT's requests noted on this slide.

11 And I think -- and before I end my testimony, I do want
12 to say, you know, reiterate what some of my colleagues have said
13 tonight about how a lot of the transportation plan over the life
14 of the project did evolve in response to the concerns we heard,
15 and how it really is unique on the project to have the Applicant
16 Jair Lynch task us with being creative and thinking out of the
17 box all the way very much in the beginning. I can really say
18 that, because of this project and those improvements, there would
19 be a measurable improvement to the pedestrian and bicycle access
20 adjacent to the development.

21 So thanks for listening. I look forward to any
22 questions you have. And now I'll pass the presentation to
23 Shane Dettman.

24 MR. DETTMAN: Thanks Rob.

25 Mr. Young, can we move on to the next slide, please?

1 All right. Good afternoon, Commissioners. It's good
2 to see you. My testimony this afternoon -- we'll finish up the
3 presentation with an application of the standard of review that's
4 necessary for a planned unit development and related map
5 amendment.

6 As the Commission knows, under the PUD standard of
7 review, and in Subtitle X of the regulations, the Commission
8 essentially has to look at the project and make three
9 determinations. First, you have to approach the Comprehensive
10 Plan and make a determination that the project is not inconsistent
11 with the Comprehensive Plan. You also have to determine that the
12 project does not result in any unacceptable impacts. But instead,
13 that those impacts need to be favorable, capable of being
14 mitigated or acceptable given the quality of the public benefits
15 being offered. Third, the public benefits and amenities offered
16 in the project have to be not inconsistent with the Comprehensive
17 Plan.

18 The regulations say that the Zoning Commission shall
19 judge, balance, and reconcile the relative value of the PUD
20 benefit package, the degree of development incentives being
21 requested, and any potential adverse effects of the project.

22 Next slide.

23 With respect to the Comprehensive Plan, as the
24 Commission knows full well, the Comprehensive Plan is made up of
25 many, many policies, some of which may be at times in competition

1 with one another. And so as we apply the Comprehensive Plan
2 evaluation, we have to at least recognize where potential
3 inconsistencies exist, and where policies are potentially in
4 conflict with one another. There's a balancing test that's done
5 in order to make an overall determination that the project is not
6 inconsistent with the Comp Plan when read as a whole.

7 Next slide.

8 Mr. Chairman, you mentioned at the outset that the
9 Commission now, you know, looks at racial equity. And as you
10 know, the Comprehensive Plan puts a keen focus on equity and
11 racial equity in particular. The Framework Element talks about
12 how equity is both an outcome and a process. And you heard at
13 the beginning of our presentation, Leila and Malcolm mentioned
14 about the extensive community outreach that took place, not only
15 with the ANC, but also the Capital Square Condominium Co-op
16 development to the north, the ANC subcommittee, the Town Square
17 condos on the east side of 7th Street, and other stakeholders.
18 As a result of that, it was more than 50 meetings. The input
19 provided by those 50 meetings directly informed the outcome of
20 this project that was presented to you today.

21 In addition to the community outreach process,
22 informing the project, when we approached the Comprehensive Plan
23 evaluation, it was also informed by a large amount of data
24 disaggregated data that's available at the Office of Planning's
25 website, D.C. Public Schools, the Housing Equity Report, and

1 other District policies set forth -- housing policies set forth
2 in the Comprehensive Plan, the Southwest Neighborhood Plan. All
3 of that was taken into account as part of our Comprehensive Plan
4 evaluation, again, approached through a racial equity lens.

5 Next slide.

6 This just shows kind of an evolution of the Future Land
7 Use Map showing the site. They are directly across the street
8 from The Wharf. The reason why we're showing this is that the
9 current Future Land Use Map designation of the site, medium
10 density commercial, dates back to 2002. The 2002 Comprehensive
11 Plan amendments changed the site from low density commercial to
12 medium density commercial. Actually, I'm sorry -- in 2002, it
13 was low density commercial. In 2006, when the D.C. Council passed
14 the 2006 amendments to the Comprehensive Plan to reflect changes
15 actually in the AWI Framework Element -- Framework Plan, it up
16 FLUMed the site to medium density commercial. You can see on
17 the middle map there the change to the designation on the site
18 to medium commercial. At the same time, that's when you saw the
19 change in The Wharf to high density commercial, high density
20 residential. Again, all of it recommended in the AWI Framework
21 Plan.

22 In 2016, the Commission adopted the 2016 zoning
23 regulations, and at that time, the site was simply renamed from
24 W1 to MU-12. It was -- I think there was a comment in the record
25 that the adoption of ZR16 or the 2021 Comprehensive Plan actually

1 rezoned the site. It was simply renamed MU-12. And there you
2 see in the -- on the right image, the 2021 recently adopted Future
3 Land Use Map showing the site still medium density commercial.
4 And again that dates back to 2006.

5 Next slide.

6 And so if we look at consistency with the Future Land
7 Use Map, one could argue that the existing MU-12 zone, which is
8 a low-density commercial zone, is inconsistent with the current
9 medium density commercial designation on the FLUM. If you look
10 at the Framework Element, the description of medium density
11 commercial talks about how buildings are larger and are taller
12 than those in moderate density commercial areas. And it
13 specifically identifies MU-8 and MU-10 as zones that are
14 generally considered to be consistent with the current
15 designation. With respect to MU-10, that was the initial zone
16 that we had pursued in the initial application, typical matter-
17 of-right densities, and as you know, the Framework Element
18 descriptions for the FLUM categories now are described in terms
19 of density; no longer height, no longer stories. It's density.

20 A typical matter-of-right density for the MU-10 zone
21 is a six FAR with more allowed through IZ or PUD. And through a
22 PUD, under the MU-10 zone, you can get up to 8.64 FAR.

23 Next slide.

24 And so even though we move to the MU-9 zone in response
25 -- in order to accommodate comments around the scale and height

1 of the project relative to the townhomes to the north -- while
2 we move to the MU-9 zone, we did not do that in order to gain
3 additional density. What we did -- we did that in order to be
4 able to move the massing, to move the height of the project down
5 to the south towards the higher scale development of The Wharf.
6 And so, as I said, under an MU-10 PUD, you can get up to 8.64
7 FAR. We are well within the density -- at 7.99 FAR, we were well
8 within the density that is contemplated under the Comprehensive
9 Plan for a medium density commercial PUD.

10 Next slide.

11 Looking at the Generalized Policy Map, the site is
12 designated as a neighborhood conservation area. And has been
13 stated in previous cases and in previous Zoning Commission
14 orders, the neighborhood conservation area designation on the
15 policy map is not intended to be interpreted the same way across
16 the entire City. It really does stress a contextual evaluation
17 of what's going around in the context for the entire site. And
18 so you can see here that we are a designated neighborhood
19 conservation area. We take some guidance from the Small Area
20 Plan, which we'll take a look at. But also The Wharf is across
21 the street. And I know that there were some comments about how
22 the building is too related to or too connected to The Wharf.

23 And we in no way consider ourselves part of The Wharf.
24 But as you heard, as the design of the project evolved, and the
25 massing and the height was pushed down to The Wharf, the reason

1 that was done is because we were taking into account the context
2 of the entire site. We were relating to the context of The Wharf
3 on the south, higher scale development, and able to depress the
4 height down to 90 feet on the North in response to the townhomes
5 on the north side of G Street.

6 Next slide.

7 And so again, we get some information from the
8 Southwest Neighborhood Plan that really sort of highlights the
9 juxtaposition in scale that you see throughout the Southwest
10 neighborhood. It talks about this relationship of high-rise
11 right next to low-rise buildings. It talks about how it's an
12 eclectic mix of high and low density residential, housing
13 typologies that really give a unique character to the area. It
14 talks about how buildings in Southwest are typically less than
15 four stories and higher than eight stories, and the existing
16 zoning throughout the area oftentimes does not let developments
17 maintain that juxtaposition in heights. And so, with the proposed
18 MU-9 zone, being able to push the height down to The Wharf, we're
19 able to propose varying heights in response to the surrounding
20 context.

21 Next slide.

22 And so again, you can see that if you look at the
23 context of the entire site, which is referred to in the Framework
24 Element, if you look at the density that's proposed and formed
25 by the Future Land Use Map, and you look how the project has

1 evolved in response to comments in the surrounding context, I
2 believe that it's not inconsistent with the policy map.

3 Next slide.

4 We'll start looking at the Commission's published
5 racial equity tool. As you know, it's a two-part tool. The
6 first part suggesting a commentary and evaluation of the various
7 Citywide and Area elements of the Comp Plan. That's already in
8 the record.

9 Next slide.

10 So I won't go into any detail here. There's a thorough
11 evaluation on the Comprehensive Plan policies in the record. But
12 I'll just note here that listed before you are the area element
13 policies that we believe the project will substantially advance.

14 Next slide.

15 This is a listing of all the policies that we've
16 identified as being applicable to the project and also will be
17 substantially advanced by the project.

18 Next slide.

19 And then the second part of the Commission's racial
20 equity tool asks a series of specific questions about direct
21 displacement, housing, physical; what are going to be the impacts
22 of the project; what will be the changes to access to opportunity?
23 And so, what we've done to satisfy this aspect of the racial
24 equity tool.

25 Next slide.

1 We put the project through an evaluation of a number
2 of equitable development indicators. Again, this is in the
3 record, so I'm not going to go into too much detail, but we
4 addressed displacement in this equitable development evaluation,
5 not only just direct displacement, but also the three types of
6 displacement that are talked about in the Comprehensive Plan.

7 Physical displacement, which is direct displacement.

8 Economic displacement that looks at housing cost
9 increases as a result of a potential development, and what this
10 project does to help offset the potential for economic
11 displacement with the 15 percent affordable housing proffer.

12 And also cultural displacement. Malcolm mentioned
13 about how public art is really part of Jair Lynch's ethos when
14 they approach every single project. And with the public art
15 proffer and the community involvement that will take place in
16 developing that public art; we do that. That goes directly to
17 cultural displacement.

18 Next slide.

19 With respect to housing, if you look at the various
20 District housing goals that are applicable to this particular
21 planning area, starting with the Housing Equity Report, the
22 project will provide approximately 498 new housing units of which
23 approximately 72 will be set aside as IZ units. If you look at
24 the goals of the Housing Equity Report, that approximately 498
25 units represents about 6.3 percent of the overarching housing

1 goal for this planning area. The Equity Report actually shows --
2 sets a -- an affordable housing goal for this planning area of
3 850 units, but shows that even with pipeline projects that were
4 in the pipeline, during the development of the Equity Report,
5 this planning area was already on track to exceed the 850
6 affordable housing unit goal.

7 That doesn't include several other design review cases
8 that have -- that'll have IZ in them as well as other PUDs that
9 have been already approved by the Commission. And so the 75
10 affordable housing units that'll be in this project represents
11 about 8.8 percent of the goal set forth by the equity goal, so
12 it's just even further exceed the goal that is set forth by the
13 Equity Report. The Comprehensive Plan Housing Element sets a 15
14 percent affordable housing goal for each planning area, meaning
15 of all the housing units within each planning area, the
16 Comprehensive Plan wants to see 15 percent of those housing units
17 set aside as dedicated affordable housing.

18 The chart that's on the right, the lower right there,
19 is from the Housing Element, and it shows that this particular
20 planning areas already at 22 percent affordable. And so again,
21 the 15 percent affordable units for this project is just a net
22 add to exceeding the Comprehensive Housing Element goal. And
23 again, the Southwest Neighborhood Plan talks about maintaining
24 the 19 percent subsidized units in the in the Southwest area by
25 having projects exceed IZ targets. This project does far exceed

1 IZ targets. Not only that, is the Southwest Neighborhood Plan
2 talks about you can exceed IZ targets in terms of square footage,
3 or you can do less square footage with larger units. This project
4 is providing more square footage, and it's also devoting every
5 single three-bedroom unit in the project to IZ.

6 Next slide.

7 These next couple of slides just go through the
8 remainder of the equitable development indicators in terms of
9 what they are and how the project goes towards each one. So
10 they're there for the Commission's review. They're also in the
11 record.

12 Next slide.

13 And next slide.

14 So looking at the Small Area Plan, there's been a lot
15 of comments in the record about the consistency of the project
16 with the Small Area Plan and just the text that's before you here
17 is taken from the Framework Element. And I wanted to just kind
18 of note it, because it was kind of a significant change in the
19 Framework Element during the development of the Comp Plan,
20 because it talks about the relationship and clarifies the
21 relationship of a Small Area Plan to the larger policy document
22 of the Comprehensive Plan, talking about how a Small Area Plan
23 provides supplemental guidance to the Commission. And it does
24 so only to the extent that it does not conflict with the Comp
25 Plan, and that it's not binding on the Commission unless it is

1 incorporated into the Comp Plan through a D.C. Council act. The
2 Southwest Neighborhood Plan has been incorporated into, as a
3 result of this latest round of the two 2021 amendments, and so
4 the recommendations of the Southwest Neighborhood Plan have been
5 brought into the Comprehensive Plan.

6 Next slide.

7 The neighborhood plan is set -- the recommendations are
8 set up around a number of overarching concepts, and they're there
9 in the green text there. And this is just the list of Southwest
10 Neighborhood Plan recommendations that are applicable to the
11 project and that are substantially advanced by the project. Under
12 no circumstance did -- were we able to find any instance where
13 the project is directly inconsistent with a recommendation of the
14 Southwest Neighborhood Plan.

15 Next slide.

16 There are a number of design principles in the
17 modernist gem concept of the neighborhood plan that I'll quickly
18 go through. The first one, encouraging a mix of building heights.
19 Again, going to that the recommendations in the comments in the
20 neighborhood plan and talking about how there's that
21 juxtaposition, that unique difference in scale between low rise
22 right next to high rise. And so, as Brett mentioned -- and you
23 can see here in the diagram and some of the images there, you
24 can see some of those examples of that difference in scale that's
25 unique to Southwest.

1 Next slide.

2 As Brett talked about how the building sort of took
3 shape over the course of the process, and how, as a result of
4 being able to go to the MU-9 zone, we can push the height down
5 to the higher scale development of The Wharf and bring the north
6 block of the building down to 90 feet creating that relationship
7 of 90 feet across the street from the 50-foot townhomes, which
8 is exactly the relationship that occurs elsewhere in Southwest,
9 including on the other side of Jefferson Recreation Fields.

10 Next slide.

11 Achieving design excellence, Malcolm talked about how
12 the project is going to stand the test of time. And part of that
13 is because of the high-quality materials that are being proposed
14 for the project.

15 Next slide.

16 Brett talked about variation in the massing; Malcolm
17 talked about how the massing and how it evolved -- sets the
18 baseline for how the design of the project sort of took its form
19 as it's in front of you today. But also, additional variation
20 in the project is achieved through the application of different
21 materials around the project to make it read more like multiple
22 buildings, as opposed to one massive block.

23 Next slide.

24 We have a lot of enhancements and greenspace around the
25 perimeter consistent with the modernist gym, principle number

1 four in the in the neighborhood plan, particularly along 9th
2 Street.

3 Next slide.

4 It's a LEED Platinum building, and so it's going to
5 incorporate a number of sustainable building features.

6 Next slide.

7 Parking has been -- parking and loading has been tucked
8 along the east side of the building along the private alley. And
9 so, it's not going to detract from any of the 9th Street and
10 Maine Avenue street-facing facades. It won't be impactful to the
11 pedestrian circulation around the site.

12 Next slide.

13 And then the ground floor, particularly down at the
14 corner of Maine and 9th Street where it's directly across from
15 The Wharf, as Brett mentioned, The Wharf has really transformed
16 Maine Avenue into a retail corridor, and so the storefront design
17 at the base of the building along Maine Avenue and along the
18 southern portion of 9th Street will have maximum transparency,
19 really activating that pedestrian realm along Maine Avenue. And
20 then as you move north, as Brett mentioned, you have a number of
21 direct walkout units on the north block of the building that sort
22 of like reduce the sort of the vitality, the activity at the
23 ground floor, kind of creating a quieter presence for the building
24 in relation to the moderate density residential to the north.

25 Next slide.

1 We've already talked about the number of connectivity
2 improvements. It's going to be less vehicular paving and more
3 pedestrian and bicycle circulation area around the site.

4 Next slide.

5 Of course, you know, we need to identify Comp Planning
6 inconsistencies. And as we were doing our thorough analysis, the
7 Comp Plan, we did identify a few policies that really focus on
8 diversification of office options, reuse before demolition. And
9 so, we believe that those particular policies that would support
10 reuse of the existing office building are far outweighed by the
11 Housing Equity Report goals and the recommendations for housing
12 and affordable housing, the proposed amount of affordable housing
13 that's in the project, the sustainability benefits of the project
14 and a number of the policies that are listed there.

15 Next slide.

16 Just looking finally at the PUD balancing test. Again,
17 as the Commission knows, you have to judge, balance and reconcile
18 the benefits, the impacts and the potential -- or the requested
19 development incentives.

20 And so next slide.

21 This just goes through a list of the public benefits
22 organized around the categories of public benefits that are in
23 the regulations.

24 Next slide.

25 And so -- and it's that substantial package of public

1 benefits that we balance with the development incentives that are
2 being requested. We're requesting a map amendment, a PUD-related
3 map amendment from MU-12 to MU-9. As a result of the map
4 amendment, there is a gain of approximately 4.99 FAR, if compared
5 to matter-of-right zoning; 4.39, if compared to what we could
6 achieve under a PUD with the existing zoning; and there's a height
7 increase of approximately -- of 70 to 80 feet, depending upon
8 whether you're comparing to matter-of-right or PUD. The only
9 others technical zoning flexibility that's being requested in
10 this project is some minor side yard flexibility along the east
11 and west sides of the building.

12 Next slide.

13 And then we then -- and then we take a look at potential
14 impacts. And this is an assessment of potential impacts of the
15 project organized according to the Comprehensive Plan Citywide
16 Elements. Overall, I won't go through this in detail. Overall,
17 we find the impacts of the project to be favorable; some capable
18 of being mitigated, specifically with respect to transportation.

19 Next slide.

20 There are a couple categories where there are impacts
21 -- this is all favorable in terms of housing, environmental
22 impacts, and economic development.

23 Next slide.

24 There were a couple of categories of impacts where we
25 believe that the impacts would be acceptable, given the quality

1 of public benefits of the project. Those fall in the categories
2 of parks and open space, urban design in terms of the change and
3 scale of the proposed building to the north into the south,
4 compared to what's currently on the on the site. But again, we
5 believe that these impacts are acceptable given the high quality
6 and number of public benefits being offered.

7 Next slide.

8 And next slide.

9 This is just a list of the benefits and amenities on
10 the left, and the incentives and potential adverse effects of the
11 project. And again, we believe that the benefits and amenities
12 balance, if not far outweigh, the incentives and potential
13 adverse effects of the project.

14 Next slide.

15 This just goes through the purposes of the Zoning Act,
16 and it shows how the project is also consistent with the overall
17 purposes of the Zoning Act.

18 Next slide.

19 In conclusion, I believe that the project is not
20 inconsistent with the Comprehensive Plan when viewed as a whole.
21 Any potential inconsistencies related to policies about the reuse
22 of the existing office building are far outweighed by the
23 consistency with the Future Land Use Map and the Generalized
24 Policy Map as well as the Citywide and Area elements of the Comp
25 Plan and the Southwest Neighborhood Plan. I believe, as I

1 mentioned, all the impacts I believe are favorable, capable of
2 being mitigated and acceptable, and that the substantial public
3 benefits are directly related to a -- not inconsistent with the
4 Comprehensive Plan.

5 With that, Mr. Chairman, members of the Commission,
6 thank you for your time. I'll hand it over to Leila for closing.

7 MS. BATTIES: That concludes our presentation on
8 direct.

9 CHAIRPERSON HOOD: Okay. I want to thank you for your
10 presentation. I'm getting feedback, so I guess you're all in the
11 same room.

12 But anyway, what I would like to do colleagues is do
13 eight-minute rounds. And I'm doing that so we can all -- because
14 it's still fresh in some of our minds. And if we go for an
15 hour -- one person goes an hour or two, then by the time we get
16 there. So let's do eight-minute new rounds. I'm going to start
17 off with saying the first round is going to be eight minutes.

18 I'll get rid of that feedback in a second.

19 So the second round is going to be five minutes, but
20 let's start like that. And I'm going to start with
21 Commissioner May, as usual.

22 COMMISSIONER MAY: Well, I'm going to try to do it in
23 less than eight minutes and only one round. We'll see.

24 I -- my questions are pretty basic. I mean, I think
25 it was a brief thorough presentation and hit all of the important

1 questions. I do have a question about the existing building, and
2 its lot occupancy in comparison to this. And not so much the
3 percentage, but you know, how proximate it is to the nearby
4 structures. So it seems like it's pretty much the same distance
5 from the Capitol Square buildings, right?

6 MS. BATTIES: Okay. Was that correct?

7 MR. WIATOCCHA: Brett Swiatocha, Perkins Eastman DC.

8 So the existing building, if you were to look at it on
9 the site, is set back farther from the north property line on G
10 Street than we currently have -- than we have at the northern
11 extent of the proposed building, and it is farther north of Maine
12 Avenue and off of the property line than our existing (audio
13 interference) primarily due to a (audio interference) issue.

14 COMMISSIONER MAY: Yeah, yeah, yeah. No, I know -- I
15 mean I know the overall footprint is outside. But how far --
16 how much farther to the north does the building -- does your
17 proposed building extend compared to the existing?

18 MR. SWIATOCCHA: I don't have those exact dimensions.
19 I could provide an estimate. And we can clarify --

20 COMMISSIONER MAY: What's the --

21 MR. SWIATOCCHA: -- in the past hearing. Sorry, sorry,

22 COMMISSIONER MAY: What is your estimate?

23 MR. SWIATOCCHA: Approximately 20 feet.

24 COMMISSIONER MAY: Okay. And along the east side of
25 the building? What -- it's not clear to me what the existing

1 building, how far away that is from the school building that --
2 I don't know, weird warehouse building that's next to it.

3 MR. SWIATOCHA: The existing building is approximately
4 eight feet from the eastern property line and from that eastern --

5 COMMISSIONER MAY: Yeah.

6 MR. SWIATOCHA: -- the existing warehouse type
7 building.

8 COMMISSIONER MAY: Yeah.

9 MS. SWIATOCHA: So our -- the proposed building is
10 farther than that.

11 COMMISSIONER MAY: Yeah. And what's the -- you're
12 creating a private alley, essentially. And so how -- what's the
13 width of that?

14 MR. SWIATOCHA: At minimum, 20 feet.

15 COMMISSIONER MAY: Okay. All right. I mean, the reason
16 I'm asking these things is understanding -- I mean one of the
17 principles of the tall buildings in Southwest is that you may
18 have the taller buildings, but then you have more land around
19 them. And you are pulling it away, at least, on the east side.
20 And you're creating new space on the 9th Street side, new public
21 space on the Maine Street side, too. And it seems like that's
22 an attempt to kind of give the building a little more room to
23 breathe.

24 The next question is the artwork on the eastern side,
25 that large mural. I'm just trying to understand that, and

1 understand sort of the purpose of that, as opposed to simply just
2 doing more windows on that side.

3 MR. SWIATOCHA: So at a basic level, because of the
4 configuration, the geometry of the site, as the plan layout, the
5 corridor moves north, that section of the building is not wide
6 enough to have corridor access and units along that kind of narrow
7 tip of the building. So that is, behind that wall is corridor
8 for the building, for a significant length of it. And so, this
9 was an opportunity we saw to introduce art on the building in
10 lieu of windows that would serve just the end of the corridor.

11 COMMISSIONER MAY: Okay. I looked at the plans to see
12 what (audio interference) wasn't that much, it was just corridor.
13 I mean there's a unit there. That's -- I don't. It looks like
14 it's maybe a quarter of the length of that space where you have
15 the artwork is actually corridor and the rest of it is part of a
16 unit.

17 MR. SWIATOCHA: That's accurate.

18 COMMISSIONER MAY: Okay.

19 MR. SWIATOCHA: And --

20 COMMISSIONER MAY: So you just want -- just -- you have
21 an end unit that basically has two sides already with windows on
22 it, right?

23 MS. SWIATOCHA: Yes.

24 COMMISSIONER MAY: So you really didn't need that third
25 side. And so instead you're putting up artwork.

1 MS. SWIATOCHA: that's correct.

2 COMMISSIONER MAY: It's a little unusual, but I'm not
3 going to question that.

4 The -- my last question -- believe it or not, Mr.
5 Chairman -- my last question is the -- there's a slip lane that's
6 going away on 9th Street, and it abuts National Park Service
7 property. It is within the DDOT right of way property, but I'm
8 just curious as to whether it has been any national park (audio
9 interference). You're basically going to be marrying up new
10 greenspace to the adjacent park service greenspace, which, you
11 know, my question is like, who's going to mow the lawn? A little
12 basic. But is there sort of contact with the Park Service about
13 getting rid of that slip lane and what that could mean?

14 MR. SWIATOCHA: There has been no discussions with the
15 National Park Service from the Applicant's side. When we
16 discussed it with DDOT, the concept, it was discussed, that would
17 be abutting NPS land. And we thought about multiple ways it
18 could be designed when it gets to full design.

19 COMMISSIONER MAY: Right.

20 MR. SWIATOCHA: And it -- it doesn't have to actually
21 land straight across. DDOT was supportive of something that
22 doesn't even touch the land. But obviously, we would be open
23 when we fully design it. Because if you notice, it's such a
24 concept, there's not even -- we're not even showing how the
25 sidewalk connects through on just the DDOT property yet, but it

1 will.

2 COMMISSIONER MAY: Yeah.

3 MR. SWIATOCHA: So that's kind of an element PBD. Is
4 that what --

5 COMMISSIONER MAY: Okay. That's fine. I would just
6 encourage the Applicant, and DDOT to coordinate with the National
7 Park Service, that's part of National Mall Memorial Parks. And
8 so, it would just be good to have contact with the park, or with
9 my office. You can talk to my deputy, Tammy Stidham who can put
10 you in touch with the right people. But just having some initial
11 conversation about what could happen, I think, would be helpful.
12 Otherwise, I don't have any other questions. That (audio
13 interference).

14 Mr. Chairman?

15 CHAIRPERSON HOOD: Yes. All right.

16 COMMISSIONER MAY: I did a good job?

17 CHIARPERSON HOOD: You did. Maybe we missed out on
18 eight minutes from now -- no, I'm just playing. I thought we
19 would have had more questions. We probably want to hear more
20 from the public as well.

21 So Commissioner Imamura.

22 Thank you, Commissioner May.

23 COMMISSIONER IMAMURA: All right. Thank you,
24 Mr. Chairman.

25 Commissioner May finished with 30 seconds to spare.

1 Hopefully, I get those 30 seconds added to my eight minutes. I'm
2 just kidding.

3 MS. SCHELLIN: Okay.

4 COMMISSIONER IMAMURA: Okay.

5 Thank you, Mr. Chairman. I don't have very many
6 questions. Just a few comments in general. I appreciate the
7 thorough presentation. As always, Commissioner May steals my
8 thunder a lot.

9 So just in general, I appreciate slide number 15, the
10 Urban Edge's notes diagram. Those are always helpful for any
11 member of the public listening or project team listening. Those
12 are always great. I appreciated the explanation of the corner
13 conditions. That was helpful. Clearly, LEED Platinum, this
14 project is generally well conceived, I think, and thoroughly sort
15 of thought through and reviewed that I would expect from Perkins
16 Eastman DC. In terms of the architecture, you know, the
17 fenestration details, I think, looked nice. I think the
18 materiality of it all, the material selection is good.

19 The question, I guess, or comment that I had, a couple
20 things. I always seem to be the commissioner that makes the
21 comment about trash, both residential trash and commercial trash.
22 I noticed that there's a couple building support spaces that are
23 identified throughout the floor plans, but it seems awfully small
24 for 490 units. So you just may want to give that some additional
25 thought.

1 I also recognize the parties or letters in opposition
2 to this. And Mr. Dettman did a nice job in terms of at least
3 explaining the affordable units. So in general, I think more
4 housing is good. Affordable units are even better. And my
5 concern, in general is just when you do that at subgrade height,
6 you know, how does that impact good urban design? So certainly,
7 reducing the height, you certainly compromise the number of
8 units. I know that those letters in opposition has requested
9 either 20 or 20 to 25 percent (audio interference). And I
10 understand that that is a significant addition in terms of
11 affordable units.

12 And you listed that there are 16, two-bedrooms, eight
13 three-bedroom affordable units, which leaves about 50 one-bedroom
14 units. Just wondered also there -- clearly, maybe increasing the
15 number of affordable units might not be (audio interference), but
16 perhaps a readjustment.

17 CHAIRPERSON HOOD: Let me interrupt. Let me interrupt
18 (audio interference).

19 I don't know why we always get feedback. I don't know
20 if anybody else is getting it, but I can hear it and I believe
21 others can hear it as well. It's always this -- I hate to pick
22 on Holland & Knight, but it's always somebody, and they got to
23 cut off one of those computers, because we're always getting
24 feedback. And what's going to happen to us is the public is
25 going to say that they couldn't hear and follow the hearing. And

1 we've liable to be back down here we re-doing all this. So let's
2 see if we can find out what the issue is.

3 MS. SCHELLIN: They just muted.

4 CHAIRPERSON HOOD: Or maybe you go --

5 MS. SCHELLIN: They were not muted before, they just
6 muted.

7 CHAIRPERSON HOOD: Okay.

8 MS. SCHELLIN: See if that works, Chairman Hood.

9 CHAIRPERSON HOOD: Let's try it -- let's try it again.
10 If not, I would suggest next time, maybe all you all can stay at
11 home and do it that way. So that works better for a lot of us.

12 Okay. Go ahead, Commissioner Imamura.

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. That
14 seems to be much better.

15 So in terms of the mix of affordable units, I also
16 noticed that many of (indiscernible). You did, in general, try
17 to disperse them throughout the building, but just wanted to
18 comment whether that was conceived or thought of or addressed in
19 terms of just a broader mix, 50 one-bedroom units compared to 60
20 two-bedroom and three-bedroom. While those are significant, I
21 think, just sort of curious about that. Just crunching the
22 numbers, for every additional percentage of increase is about
23 five units. So I understand that 20 percent is just not
24 achievable or feasible, but maybe a broader mix might actually
25 assuage some of the community's concerns. Just a general comment

1 about that, if anybody could address that.

2 MS. BATTIES: Thank you, Commissioner Imamura. We will
3 take note of that comment and evaluate it or study it with the
4 project team and respond back to the Zoning Commission.

5 COMMISSIONER IMAMURA: I put appreciate that. I think
6 the comment about the modernist gem principle about the mix of
7 building heights is laudable and important to mention. But again,
8 this is at significant height along Maine Street. And so, I have
9 concern on the north side of Maine Street, creating sort of a
10 bow. So I certainly appreciate the increase in density and think
11 that that's important. And I recognize too that a reduction in
12 height also reduces the number of units, I think, in general, on
13 the north and south side of the building. The stepdown in height
14 was good. I wish we could have extended that a bit more.

15 But those are generally my comments, Mr. Chairman.
16 I've got two minutes, so I yield back and give those two minutes
17 to Vice Chair Miller, if he so chooses.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 Vice Chair Miller?

20 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
21 you, Commissioners May and Imamura for ceding time, which I don't
22 think I'll need.

23 And thank you to the Applicant's team for your
24 presentation.

25 Mr. Chairman, I'm thinking I'm having some connectivity

1 | problems yet again. I -- let me know if I should stop, and I'll
2 | mute my -- I mean, I'll stop the video of myself. It may -- that
3 | might help. But I think it's okay right now.

4 | So thank you to the Applicant's team for your
5 | presentation. Thank you for the community engagement which you
6 | have held the 25 meetings, I think you said, in the last several
7 | months. That's a lot of meetings. The changes that have been
8 | made as a result of comments that the ANC community, Office of
9 | Planning, maybe Zoning Commissioners at setdown said, I
10 | appreciate the changes that have been made; the adjustments to
11 | the height toward -- at the -- on the G Street side. But then
12 | that did result in the increase up to 130 on the Maine Avenue
13 | side, which I will have a question about in a minute. But -- so
14 | there are a lot of commendable aspects to this project. The --
15 | I mean 500 units of housing 75 of which -- almost 500 and 75 of
16 | which are affordable at 60 percent and 50 percent MFI and the
17 | eight three-bedroom units, all of which are affordable. The
18 | three-bedroom -- all the three-bedroom units are affordable.
19 | That's an unusual aspect to a non-subsidized -- public subsidized
20 | project.

21 | And there's some references into the community
22 | opposition to a 20 percent affordable set aside figure. But
23 | that, I think, refers in the Southwest Small Area Plan and other
24 | places in law to publicly -- public disposition sites, and this
25 | is not a public site that's being disposed of. This is a private

1 site that is not, as far as I know, asking for a subsidy.

2 So just sticking with the positive right now. I think
3 it's very attractive. All the bays and balconies, I really like.
4 I like the contrast between the low, the lower and the higher,
5 the parts of the building.

6 You didn't mention, I don't think, in your verbal
7 presentation, the LEED Platinum. I -- they are not a lot of --
8 I think Washington, D.C. has a lot of LEED. I think we may be
9 one of the leading LEED-certified levels, high levels of
10 buildings -- new buildings being built. I know we had some
11 Platinum buildings, but I don't recall a lot, if any, that have
12 come before us of residential high rise -- higher rise buildings,
13 and so that's very commendable. Maybe you can respond to that.
14 Are there other LEED Platinum multifamily buildings that have
15 been built in the District?

16 MS. BATTIES: I'm unaware of any that are LEED Platinum.

17 VICE CHAIR MILLER: Yeah. I mean, that's -- and that's
18 a commitment that you're making. That will be a condition of
19 the order. And speaking of conditions of the order, because this
20 was a criticism, I think, in some of the opposition, that the
21 grocery store and bank retail space that you're offering. In
22 response to community requests, are you making a commitment
23 that -- I mean, obviously, the retail environment is challenging
24 in the District of Columbia. The whole commercial market is
25 challenging in the District right now. But are you making your

1 commitment that as a condition of the order, you will include up
2 to 6,000 square feet of grocery space and a certain amount of
3 bank financial services space, which I guess doesn't exist a lot
4 in this particular neighborhood, or they wouldn't be asking for
5 it. There's certainly a lot of grocery stores and banks in my
6 neighborhood. It's almost obscene that they are, and it isn't
7 equitably spread out throughout the City. It is obscene,
8 actually. I'll use that expression, there are almost -- well, I
9 wouldn't know. Are you making a commitment to the conditions of
10 grocery store as part of the order?

11 MS. BATTIES: Yes, we are committing to a minimum of
12 6,000 square feet for grocery store, and additional retail space
13 for a branch bank.

14 VICE CHAIR MILLER: As conditions of the order.

15 MS. BATTIES: Yes.

16 VICE CHAIR MILLER: Well, I think that's important,
17 because there was opposition testimony that I've read and I'm
18 sure -- and I don't know if we'll hear it tonight, saying that
19 this is just a hope and something you're throwing as a bone, that
20 you're going to try to do. It's an intent. You don't have a
21 signed lease. You -- we rarely at this stage of a PUD hearing
22 have a signed commitment of a lease. So -- but the -- a condition
23 of the order is a lawful requirement, and if you're not able to
24 keep that commitment, you'll have to come back to the Zoning
25 Commission with public input to change that use.

1 So I just think that was something to -- I needed to
2 note for the record, since I saw opposition testimony saying
3 that's just a hope, it's just an intent, it's just something you
4 threw out there to try to appease opposition. It's -- it's a
5 lawful commitment as part of the condition of the order, if we
6 get to that point of approving this case in some format. And
7 so, the LEED Platinum is also very commendable and a good model
8 for other projects coming forward.

9 The -- I would associate myself with Commissioner
10 Imamura's and your -- I appreciate your response that you would
11 consider the mix of the size of the units, since we do -- some
12 of the opposition testimony is calling for more -- they're
13 simultaneously calling for more affordable units and less height
14 and density. And so, there's a disconnect there. It's the
15 additional height and density, especially in a non-subsidized
16 project that is paying for the affordable housing that the market
17 wouldn't normally provide. So -- but I would encourage you to
18 -- I would associate myself with his remarks and ask that you do
19 look at that mixing -- increasing the size or increasing the
20 percentage.

21 There's a -- I don't know if you want to respond at
22 this point. I'll have questions, I think, further after other
23 testimony. But you know, we have testimony from our former
24 friends at OAG saying that we should be considering this in the
25 lens of the IZ Plus map amendment. And you went the PUD route,

1 as I understand it, because that's what the ANC asked you to do,
2 because there's public benefits, and there's more input there.
3 There is -- there's not more. There's input. There isn't any
4 public -- well, there's much less public input in a map amendment
5 process and less engagement about what you can do in terms of
6 public benefits and amenities.

7 Needless to say, but regardless of that, they call
8 for -- they said there would be 12,000 square feet additional
9 affordable housing, if it was just an IZ Plus map amendment. Do
10 you have any response to that initially, or did you see that
11 testimony that I just saw today?

12 MS. BATTIES: Yes, we did. And I just want to note, I
13 noted it in my opening remarks. The project, had we just gone
14 through a straight map amendment, the Office of Planning would
15 have agreed to support a map amendment to MU-8, which would yield
16 less IZ through the IZ Plus regulations than what we are proposing
17 with the MU-9A PUD. So for about 15,000 square feet more --
18 Shane -- IZ that we're proffering through this process that
19 would be generated through the IZ Plus rezone.

20 VICE CHAIR MILLER: Okay. Well, I appreciate that
21 response. I see that my time is down to zero. I didn't see
22 the -- Commissioner Imamura's or May's time added to mine. I
23 don't know if I've gone way over that. So I'm going to stop,
24 Mr. Chairman and maybe have further questions later. Thank you.

25 CHAIRPERSON HOOD: Yeah, we're going to come back, and

1 we're going to do another five-minute rounds. Commissioner May
2 and Commissioner Imamura may have thought of something as we were
3 going along. So let me just ask my question.

4 Can we go to the racial equity? I'm not going to get
5 to traffic yet.

6 So Mr. Schiesel, hold tight. So I will probably be
7 like Vice Chair Miller and go well over eight.

8 Let's talk about the racial equity. And I think that
9 was just second -- I think it's in the -- I think it's the second
10 PowerPoint in the record. I'm not sure where it is on you all's,
11 but -- and let's go to page -- let's go to where you first started
12 talking about the displacement. I think that's page 54. Is it
13 54? Yeah, 54, Equitable Development Indicators.

14 I don't necessarily think you need to put it up. You
15 don't need to put it up, Mr. Young. I think -- I'm just making
16 sure that Applicant has it in front of them. So page 54. We
17 talk about displacement. Displacement due to housing costs
18 increases.

19 Well, first of all, let me back up. What we have before
20 us, you had 50 meetings. Three meetings you had with Capitol
21 Square Townhomes; is that correct? I want to make sure I captured
22 it right in my notes, which is dangerous.

23 MS. BATTIES: Yes. And let me just clarify. We had
24 25 meetings with the ANC 6D subcommittee, which we understood for
25 a long period of time, that that subcommittee was representing

1 the concerns and comments and views of the immediate
2 neighborhood. And then some -- at some point during that process,
3 I think maybe in March or April, the Capitol Square Homeowners
4 Association, actively reached out to the Applicant separate from
5 the ANC subcommittee, and then we started to meet with them.

6 CHAIRPERSON HOOD: Sorry. And you only met with them
7 three times, right?

8 MS. BATTIES: That's correct.

9 CHAIRPERSON HOOD: Okay. Why did we meet -- so we had
10 25 meetings with the ANC subcommittee.

11 MS. BATTIES: Subcommittee, yes.

12 CHAIRPERSON HOOD: I'm just hearing myself. I'm
13 hearing myself every time I say something. So if you all could
14 just put it on mute. So we had 25 meetings with the subcommittee,
15 three meetings with the town -- it looks like a lot of issues
16 are coming from the Capitol Square, for the most part. Was
17 Capitol Square -- Capitol Square was a PUD in front of the Zoning
18 Commission some years ago; is that correct?

19 COMMISSIONER MAY: Yes.

20 CHAIRPERSON HOOD: Okay. That was one of my first
21 cases. But I will tell you that it just doesn't add up to me.
22 We got 25 with ANC. We had a total of 50, and we only met with
23 three with the issues. I just think there could be some more
24 collaboration. Because it looks like you all have made some
25 improvements, but I think three meetings was not enough. You

1 have 50, and I know there's some other nuances. So you had 50
2 with one, and I'm already losing five minutes.

3 So let's go to the Equitable Development Indicators.
4 So when I look at this, Mr. Dettman, and we talk about -- let's
5 just look at the family-sized units, dwelling units with three
6 or more bedrooms. All three -- and then here's the thing. I
7 know you are going by regulations. Maybe our regulations need
8 to come up to the racial equity analysis. Maybe something is
9 off kilter. All three-bedroom units in the project devoted to
10 affordable housing is 60 percent. What would a unit and estimated
11 at 60 percent of MFI, what would one of those three units cost?

12 And this is where I think the biggest issue in this
13 City is, because a lot of people, and especially people who look
14 like me, can't afford that. So what would it -- what's the cost
15 of one?

16 MR. DETTMAN: Chairman Hood, are you asking about what
17 it would go for market or what would the IZ rent be?

18 CHAIRPERSON HOOD: What would the IZ rent be?

19 MR. DETTMAN: Yeah. Off the top of my head, I don't
20 know, but I could easily pull that up. It's all driven, or it's
21 all dictated by the published DHCD maximum rent schedule that
22 comes out every year. And I think what you're getting at, it's
23 based upon the regional median family income and (indiscernible).

24 CHAIRPERSON HOOD: Believe me, I get all that. I'm
25 just trying to -- you know what, you all really need to go to

1 separate rooms or something, because I'm getting a whole lot of
2 feedback.

3 MS. BATTIES: It's not us, Mr. Chairman. It's -- we're
4 on mute, and we only have one computer on here. So maybe it's --
5 are you on your phone, or do you have another device on?

6 CHAIRPERSON HOOD: I'd rather (indiscernible).

7 MS. BATTIES: It's not ours.

8 CHAIRPERSON HOOD: You all are not on mute.

9 MS. SCHELLIN: You're not on mute now.

10 MS. BATTIES: Yeah, we're on mute.

11 CHAIRPERSON HOOD: Now you're on mute.

12 MS. BATTIES: Now.

13 CHAIRPERSON HOOD: And I don't hear anything back. We
14 run hearings all the time. And only time I get feedback is with
15 you guys. So anyway.

16 So what I want to do, I want to try to get to the
17 bottom. I realize the IZ schedule. I realize what -- what they
18 published when we finally got them to be able to publish. But I
19 think where the problem is and where the Zoning Commission gets
20 beat up at, and at some point, we got to really get to the bottom
21 of it. We got to really get to 60 of MFI.

22 But I do want that Mr. Dettman. I want it market rate,
23 and I want it under IZ schedule. Because if we need to reach
24 out to them, because I looked at the record, and the record feels
25 like, unless I'm mistaken, or maybe some of these things that you

1 all are enhanced or dealt with the 50 meetings that you had have
2 been changed, and the community had not responded.

3 Now let's talk about traffic.

4 MS. BATTIES: We have the IZ rent schedule available.

5 MR. DETTMAN: At 60 percent MFI, the current DHCD
6 schedule says that the max rent for a three-bedroom IZ unit would
7 be \$1,960.

8 CHAIRPERSON HOOD: So guess what? The people that fuss
9 with us, that's not affordable to them. And I'm not placing that
10 on you, but a lot of people that's not affordable to. And I
11 think what we got to start doing is finding out, and this is what
12 this whole racial equity lens is, or the way I believe it until
13 my counselor or somebody on public proves me wrong, we -- and I'm
14 not just picking on this Applicant. I'm not just picking on Mr.
15 -- as a matter of fact, let Mr. Lynch know, every time I go to
16 Ward 7, the folks are on me about what we approve. So anyway,
17 you can take that back. I'm going to seize the moment.

18 But anyway, \$1,960, some people may think is
19 affordable, but the people in this area don't believe that is
20 affordable. We got to find a nexus, and at some point, we got
21 to deal with the disconnect. Now let me -- so you won't think
22 that I'm saying everything negative about this building, I like
23 the design of this building. I like the design. But the question
24 is, do people who look like me, are they going to be able to get
25 a few units and stay in this building? And I know you got DHCD

1 and other entities involved. And we got to get to the bottom of
2 it. Because at the end of the day, it's all the Zoning
3 Commission. And we're following our regulations and rules. I
4 don't know what needs to be tightened up. But eventually, we
5 will figure it out sooner than later.

6 And so, I'm not going to go down that line. So whatever
7 we -- and I do know, we're working on getting a little more than
8 just telling us, "displacement due to redevelopment, no physical
9 displacement on existing residents." Soon that's not going to
10 be enough. We're going to need to do an analysis and let us show
11 how far we can go. But we need to know analysis. And I'm looking
12 at this. This is kind of like -- and I appreciate it now, I'm
13 not saying I don't, but I know we can explain better. We can
14 get more in detail so people will understand how we achieved and
15 got to some of these measures and how we got to these outcomes.

16 Let's go back to the ANC. Again, all those meetings
17 with the ANC, and it seems like what I'm hearing from the
18 Applicant does not reflect what I see in the record. What I see
19 in the record, there's still a long disconnect. But I will tell
20 you, it's not like some of the other cases where we didn't go
21 forward. I think there's still some room to try to come closer
22 together. So I would just encourage us to try to figure out what
23 some of the outstanding issues are, especially with the ANC 6D
24 and also using our racial equity tool and expound upon this.

25 And I believe you all took a stab at it, but I don't

1 think, from what I heard in the roundtable, I don't think this
2 is good enough. I think we need to kind of explain a little
3 more, because when you talk about 60 percent of MFI, talking
4 about it's affordable, affordable to whom? And the people who
5 want to live there, we might need to find some kind of way to
6 get units affordable to the people who are always saying that the
7 Zoning Commission is not doing their part, we're not exercising
8 racial equity. And my time is up, and we're going to do five
9 more -- I'm going to be -- lead by example, and I'll come back.
10 Let's do five-minute rounds.

11 Commissioner May, you have five more minutes, if you
12 need it.

13 COMMISSIONER MAY: No, I don't. I mean, I think you're
14 hitting the important points. So I don't have anything else to
15 ask.

16 CHAIRPERSON HOOD: Okay.

17 Commissioner Imamura?

18 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
19 think the focus of your comments, Vice Chair Miller's comments,
20 my comments about the distribution of the units, is probably the
21 crux of the conversation here. But just to circle back. And
22 again, I think -- I don't want to be known as "that Commissioner"
23 about making sure that the size of the trash rooms are
24 appropriate, especially for the 498 units, but also storage as
25 well. For 490 units, that requires a lot of attic stock. It

1 doesn't seem like -- I didn't know that the building support
2 throughout the building, but it just doesn't seem like there's
3 sufficient storage for a building of this size. Again, it is
4 laudable that, you know, it is a LEED Platinum and a lot of great
5 effort and time and care has been given to all the details. But
6 as you know, most designers know that storage is often cut short
7 there.

8 I also wanted to ask too, if confirmation could be
9 made. Again, I hate to ask this question, but access to the
10 green roof for maintenance. It just seems that every time I ask
11 that question, the architects always come back and say, "Oh,
12 yeah, right, we'll put that in there." So please, just double
13 check that there's access for maintenance for the green roofs.
14 I'm not sure why that's always forgotten. Many times it's
15 forgotten. But please double check that.

16 I think that concludes at least the comments that maybe
17 I didn't go over the first time around. So thank you, Mr.
18 Chairman.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Vice Chair Miller.

21 VICE CHAIR MILLER: I'll reserve any balance of my
22 questions for after I hear more further from the public,
23 Mr. Chairman. Thank you.

24 CHAIRPERSON HOOD: Okay.

25 So what I would like, Ms. Batties, is I have not seen

1 a response to the Office of Attorney General's submission. I
2 would like for that. And I too, I think I'm going to stop,
3 because I can go on and on about racial equity. But I do like
4 the design. But my question to the Applicant is: Are people
5 who look like me, who don't make \$1,960 or whatever the case is
6 -- and I know some of this I would have to talk to -- we would
7 have to at some point, reach out to the interim director, Mr.
8 Hubbard, about this IZ, because I don't think we're getting to
9 where we need to be. And I'm not just using this this
10 application, because I like the building. But what I -- will
11 some of us who can't afford \$1,960 be able to live there. That's
12 my question now. And I got a lot more about traffic. I'm sure
13 we'll hear that. We do have some pictures that show traffic.
14 And the reality is, some of us stay out of that neighborhood for
15 certain amount of times a day because of the exact pictures that
16 we've gotten. So -- and I'm not faulting this Applicant, but
17 I -- we got to start somewhere. This is what we went through
18 with this tonight, and in other cases, we're going to be doing
19 the exact -- I'm going to be doing the exact same thing. So I
20 would like to see some of those things, Mr. Dettman and Ms.
21 Batties and go from there.

22 I may have other questions at the end, but I do agree,
23 let's get to the public, and let's hear from them and see if
24 anything has changed. All right. Let's go to -- any follow up?

25 (No audible response.)

1 CHAIRPERSON HOOD: No follow up. Let's go to ANC --
2 Ms. Schellin, ANC 6D. I think --

3 MS. SCHELLIN: Ms. Kramer?

4 CHAIRPERSON HOOD: Is it Ms. Kramer? Okay.

5 Ms. Kramer?

6 MS. SCHELLIN: She's become a regular.

7 CHAIRPERSON HOOD: Yeah.

8 COMMISSIONER KRAMER: Thank you.

9 CHAIRPERSON HOOD: I see her every week.

10 COMMISSIONER KRAMER: Right. Well, it's a pleasure.

11 CHAIRPERSON HOOD: Yes. Ms. Kramer, you may begin, and
12 you can ask any questions. We're going to get to your testimony
13 later. But any questions of what you've heard or similar. Any
14 questions.

15 COMMISSIONER KRAMER: All right. Thank you very much.
16 But let me say, first of all, thank you, Chair -- Chairman Hood
17 for asking the question on the IZ, and we'll follow up with that
18 later on the racial equity issues.

19 I do have some questions on -- let me say one of them
20 on traffic. There was a long discussion about how they were
21 solving problems essentially sort of within the site or as the
22 site moves south. I haven't heard anything about what adjustments
23 you will make to the -- or try to make or try to work with DDOT
24 about to make with the intersection, which has been discussed as
25 very problematic. Is -- I'm sorry, the intersection at G and

1 9th. North. In other -- north from the site north into that
2 knotty intersection. I didn't hear a discussion about that.

3 MR. SCHIESEL: Can we -- I'm not sure I understand the
4 question. We are --

5 MS. BATTIES: Adjustments to 9th and G Street.

6 MR. SCHIESEL: Yes. Just describe that in more detail?

7 COMMISSIONER KRAMER: No. My question is you, as I
8 recall, Mr. Schiesel, you described a lot about what you -- how
9 you were handling traffic essentially, around -- immediately
10 around the site. But the problems that have been posed are the
11 problems essentially north of the site, as traffic comes into 9th
12 and G Street and into the site. And I didn't hear any discussion
13 of how you are either proposing yourself to -- for your site to
14 handle that, or how you are working with DDOT to make that
15 adjustable -- adjusted.

16 MR. SCHIESEL: Can we go to slide eight on the Applicant
17 presentation? That -- the one that shows a side-by-side?

18 There's a -- there's numerous changes to the
19 intersection. The northbound right turn from 9th to G Street is
20 getting narrowed, reducing the amount of pavement so it is not --
21 a more of a suburban style design. Similarly, the southbound
22 right turn off the interstate ramps up to L'Enfant is also being
23 eliminated and turn into a more traditional right turn lane.
24 That will greatly decrease speed around that corner coming off
25 the interstate. Overall, the amount of asphalt that exists

1 between the two curves on 9th Street is shrinking. It's
2 organizing it a little better. And it's -- the end result, we're
3 able to fit in a lot more room for pedestrians and bicycles with
4 ideally slower speeds for all cars traveling through the
5 intersection.

6 Additionally, the group of -- the crosswalks that are
7 used to get pedestrians to this area are getting reorganized and
8 shortened. Right now, the crosswalk -- there is not a crosswalk
9 at that intersection. It's kind of just -- was that 50 feet
10 further south somewhat midblock. We're shifting that up so that
11 it aligns in a traditional spot, normally where the approach in
12 a crosswalk would be. All those items, the reduction in speed
13 and the relocation of the crosswalk are there to increase
14 multimodal safety and even go further, crash severity. I could
15 go into more detail on this.

16 Right now, the 9th Street and the I-295 off ramp and
17 at stop signs, they have to take turns as they progress down.
18 It's a very unorthodox configuration. It's probably not
19 something that would get built today. We're looking at not just
20 removing those higher speed turns and slowing traffic down, but
21 the relocation of the crosswalk is designed as a safety
22 improvement. If you think about the distance from the stop sign,
23 where somebody's accelerating to where they pass that crosswalk,
24 the idea of moving it closer would greatly reduce crash severity.

25 If you think of the speed, as the speed of a driver,

1 as it hits the crosswalk across 9th Street, will be greatly
2 decreased with this change. It could be literally a matter of
3 life and death. And it's one of the things we're trying to do
4 is combine the locations of where the flow is and the reductions
5 in speed that we're aiming to get to not only to decrease crash
6 rate, but the crash severity. In addition -- it's discussed in
7 our CTR. We've explored a potential long-term solution could be
8 the installation of a traffic signal here.

9 Like I said, the two southbound flows currently take
10 turns. You could do the same thing in a different way with a
11 green light, red light situation, take turns in a more formal
12 way. We explored that one of the issues we have here is that
13 Jair Lynch asked us, you know, what can we commit to as a benefit?
14 Going down that path is not something that we committed to,
15 because of the presence of the interstate ramp. It means that
16 we -- it requires more extensive approval process that has to
17 involve the Federal Highway Administration.

18 COMMISSIONER KRAMER: Yes.

19 MR. SCHIESEL: So we didn't want to commit to something
20 that we couldn't commit to as a benefit. But it is discussed
21 and analyzed in the -- our traffic study. There's an analysis
22 of it, and it shows a proof of concept of the idea that,
23 hopefully, can get the ball rolling towards something. And what
24 the Applicant is doing with these reduction in lanes, room for
25 vehicles and the maneuvering of the crosswalks, does fit

1 perfectly as the initial phase of something that where down the
2 road there could be a traffic signal at that spot.

3 COMMISSIONER KRAMER: Thank you. As long as I'm on
4 traffic, just a clarification. Did you -- did someone say, maybe
5 Mr. Schiesel or Mr. Swiatocha -- Swiatocha. Did you say that
6 the -- both requests for the median strip or for the curb cuts
7 have been approved? That's a done deal?

8 MS. BATTIES: The concept approval has been granted.
9 And I believe Commissioner Lightman was part of those discussions
10 with the Public Space Committee.

11 COMMISSIONER KRAMER: She was part of the discussions.
12 What I'm asking is what the level of commitment is now, whether
13 those curb cuts are going to happen --

14 MS. BATTIES: (Indiscernible).

15 COMMISSIONER KRAMER: -- no matter what. That's what
16 I'd like to know for the record.

17 MS. BATTIES: Concept approval has been granted for
18 both curb cuts.

19 COMMISSIONER KRAMER: For the move of the curb cut
20 westward on G Street?

21 MS. BATTIES: The specific location has not -- and
22 specific design has not been approved, but the two curb cuts in
23 the general location on G Street and Maine Avenue have been
24 granted concept approval.

25 COMMISSIONER KRAMER: Thank you. Okay. Thank you.

1 The -- I hear that the that there's a -- let me say it
2 differently. You talked about the break of the two buildings.
3 And I think this is -- my question is mostly for the community
4 to understand what this building is. Could you describe the
5 portions of the -- what the break is in the middle? It's hard
6 to read. The -- there -- and it's a kind of measure of the
7 porosity of the building. The drawings look like there is a full
8 open to the sky piece on 9th Street between -- sort of at the
9 main entrance to the lobby to the building, but that's not
10 really -- that doesn't really go through. In fact, when you look
11 at the back of the building that faces the Jefferson playing
12 fields, it's basically a solid building. Could you just describe,
13 for the record what that means? We -- and we -- that would be
14 helpful.

15 MR. SCHIESEL: So the design -- well, I opened up the
16 wrong one. Trying to find the appropriate slide to speak to
17 that.

18 Can you pull up slide 24 for in the presentation,
19 please? Aerial view from northwest?

20 So -- and what you see in the middle of the block, is
21 that break in the building length that we described in the
22 presentation. This is that -- what we've described as an entry
23 plaza is an open to sky break in the building from that entry
24 level up to sky. It is not a through break from 9th Street to
25 the north-south private drive. This was introduced as a design

1 tool to break up the length of the building. But these are
2 still -- this is still a single, connected building. It
3 was -- the goal is to reduce the scale of the overall elements
4 and pieces of the building.

5 MS. KRAMRE: That's fine. That's exactly what I wanted
6 you to clarify for me. That's helpful.

7 Another question for Ms. Batties. I'm not sure that I
8 understand what the level of commitment is for the grocer and the
9 bank. What type of -- first of all, what type of grocer are you
10 looking for, in terms of price points, and who -- what portion
11 of the community it would serve, any way you can describe that?
12 Where is the -- actually, where's the front door, which helps us
13 understand how it's going to work. And in terms of the bank,
14 and so, before I get to that, we understand you don't have -- it
15 sounds like you don't have a letter of intent. The community is
16 very concerned about whether that -- whether and what they're
17 going to get, whether they're going to get it, and what they're
18 going to get.

19 And in terms of the bank, is this a commitment to a
20 full-service bank, not a partial bank, but a full-service bank?
21 And could you please clarify what it is you are anticipating in
22 the final order that would clarify and sort of concretize those
23 two points -- those two asks?

24 MS. BATTIES: The proffer from the Applicant is not a
25 specific or specific type of grocer, it is the minimum square

1 footage of 6,000 square feet, and that can -- it can be a 6,000
2 square foot grocer or something larger, depending on the grocer
3 that they're able to bring to the site. The second, as it relates
4 to the bank, it will be a full-service branch. And so how that
5 looks in the order, and then I'll turn it over to Brett to show
6 where the -- they -- how the grocer will orient on the site.

7 How that looks in the order, it would be under the
8 Decision section, we'd say as part of the PUD benefits and
9 amenities. The project will have A, B, C and D, and C and D will
10 include the bank -- the minimum square foot footage for the grocer
11 and the bank branch. And the way it will be written is prior to
12 the issuance of a C of O for the project, they will have to
13 demonstrate -- or a C of O actually separately will be issued
14 for the grocery store. But that will be a condition -- and the
15 bank branch. But those will be conditions to the approval of
16 the certificate of occupancy. That's in another way (audio
17 interference).

18 COMMISSIONER KRAMER: So can you -- is it in the order?
19 Will it be in the order?

20 MS. BATTIES: Yes.

21 MR. SCHIESEL: Yes.

22 COMMISSIONER KRAMER: Okay. And what is it -- for
23 those of us who were late (audio interference) on this kind and
24 what is the -- I don't know what a 6,000 foot -- square foot
25 grocery or space actually looks like in terms of the kinds of

1 vendors that you're thinking of. Is it a Foxtrot? I believe
2 Foxtrot is the one of the names, or is it a full grocer? Can
3 you help with that?

4 MS. BATTIES: Yes, Malcolm is going to speak to that.

5 MR. HAITH: Malcolm Haith again, Ms. Commissioner.
6 Just to answer as much as I can at the moment. We are in
7 discussions with grocers for the project. We just recently sent
8 an LOI for a grocer. I'm not privy to tell that just yet, because
9 of the negotiations, but I'm pleased with where we are in that
10 process. But we are talking to several grocers, several are
11 interested in the site, and they are ranging anywhere from 6,000
12 square feet to about 15,000 square feet. And I don't quite know
13 yet where we'll meet. The bank branch, also we have an interested
14 bank and sent out an LOI just this week. So we are hoping to
15 bring both of them, and they will be in the order, as Leila
16 mentioned.

17 MS. BATTIES: So it would probably be a letter of intent
18 secured with each of those users prior to the issuance of a
19 certificate of occupancy. If the residential units are built
20 first, those spaces still have to be available for the grocery
21 store and bank branch. They can't put other uses in that space.
22 They have to be dedicated for those uses, as part of the --

23 COMMISSIONER KRAMER: Where is the -- I know it sounds
24 like a funny question. Where's the front door for this grocer?

25 MS. BATTIES: I'm going to ask Brett to --

1 MR. SWIATOCHA: If it would help Commissioner Kramer,
2 we can have the slide pulled up.

3 That's slide number 18. It's the ground floor plan.

4 So you can see along Maine Avenue, we have that --
5 what's shown in red is the extent of the retail frontage on Maine
6 and wrapping onto 9th. There is a white carveout at that
7 southwest corner, right at the intersection of Maine and 9th.
8 And that is where we are illustratively right now showing the
9 primary -- the main entrance for the grocer on that primary retail
10 corner of the site. As with all retail tenants, and particularly
11 with grocers, I think the final configuration of that entrance
12 and final location is subject to, you know, the requirements of
13 the retailer going in. And we do ask for flexibility in the
14 order on the ability to locate those entrances along the frontage
15 of Maine Avenue, as required by the various retail spaces.

16 COMMISSIONER KRAMER: And where is the bank? This --
17 on the other triangle, the red triangle?

18 MS. BATTIES: Commissioner Kramer, this just shows the
19 retail space. The actual configuration of the space will depend
20 on the specific user. So we don't have the specific
21 configurations for each use yet.

22 MS. SCHELLIN: I'm sorry, Ms. Batties, the gentleman
23 to your right, what was his name?

24 MS. BATTIES: Malcolm Haith, H-A-I-T-H.

25 MS. SCHELLIN: Okay. He did not register to testify.

1 MS. BATTIES: I'm sorry.

2 MS. SCHELLIN: So I need to give him the oath. Would
3 you please make sure that all witnesses register in the future?
4 That's how they take their oath now. So -- but I will go ahead
5 and give it him now. I was just checking. I could not find him.

6 Mr. Haith, would you please raise your right hand?

7 Do you solemnly swear or affirm the testimony you've
8 given and will give will be the truth, the whole truth, and
9 nothing but the truth?

10 MR. HAITH: Yes.

11 MS. SCHELLIN: Thank you.

12 CHAIRPERSON HOOD: Okay. Ms. Kramer, are you still,
13 or are you waiting on --

14 COMMISSIONER KRAMER: Sorry. I thought you were dealing
15 with oaths. Okay. That -- those are my questions for the moment.
16 Thank you.

17 CHAIRPERSON HOOD: Okay. Ms. Schellin, I'm probably
18 going to need you to help me with the parties. Oh, we only have
19 one party, right?

20 MS. SCHELLIN: Just the one party and Erin Berg is
21 the -- was listed as the --

22 CHAIRPERSON HOOD: Okay.

23 MS. SCHELLIN: -- president on the application form.

24 CHAIRPERSON HOOD: Okay.

25 Erin Berg, if you could -- do you have any cross-

1 examination questions for the Applicant? You may begin, Ms.
2 Berg. You're still on mute. There you go.

3 MS. BERG: Can you hear me now? Thank you. Just for
4 -- a procedural question really quick. Should I be doing my five
5 minutes of testimony, or is this my opportunity to cross-examine?

6 CHAIRPERSON HOOD: This is your opportunity to cross-
7 examine. Everything -- we'll come back to your testimony, but
8 everything that you've heard being presented, if you have any
9 questions on any of it, any of our questions, or anything that
10 was presented, this is the time for you to do that.

11 MS. BERG: Okay. Thank you very much.

12 Question for Holland & Knight and Jair Lynch. You list
13 in your documents and have claimed to have listened to the
14 community thoughts and concerns. What are some of the unfavorable
15 impacts that Capitol Square and other opponents brought to you?

16 MS. BATTIES: You want to talk about the -- well, I can
17 speak generally, and we can explain if necessary. There was
18 concern about the height of the building as it relates to the
19 townhouse development to the north. There was a concern about
20 the traffic that would be generated by the project, when taking
21 into account the existing traffic from The Wharf and then --

22 MR. DETTMAN: Shadows.

23 MS. BATTIES: And the shadows. Those were the three
24 primary.

25 MR. DETTMAN: And the curb cut.

1 MS. BATTIES: And the curb cut on G Street. But I --
2 yes, the curb cut and drive thru on G Street.

3 CHAIRPERSON HOOD: Well, Ms. Batties? Ms. Batties, I
4 appreciate you answering that, but I think for the record it
5 would be better if a representative from the Applicant answered
6 Ms. Berg's question.

7 MS. BATTIES: Okay. So -- well, go ahead.

8 MR. HAITH: The height of the building, the shadows
9 from the building, the traffic generally, and the G Street curb
10 cut. And that was listed in one of our -- the slides that I
11 presented at the beginning of the community concerns and how we
12 responded.

13 MS. BATTIES: And I would also just like to say,
14 Mr. Chairman, for the record, we have -- we filed a full response
15 to the -- a full written response to the concerns raised by
16 Capitol Square Homeowners Association. And that is filed in the
17 record at exhibit -- I'm looking at this -- 51. It's a seven-page
18 response to all of the concerns raised by the Capitol Square
19 Homeowners Association.

20 CHAIRPERSON HOOD: Ms. Fraser, I appreciate -- I mean,
21 I'm sorry. Ms. Batties, I appreciate that, but I think that
22 while you all filed it here, I want to make sure that Ms. Berg
23 and residents who live in that facility -- well, in that
24 development, get more than three meetings. So that's kind of
25 where I am. Some of this probably could be resolved. And I'll

1 just leave it at that. But we appreciate it.

2 So Ms. Berg, you heard what Ms. Batties said about the
3 exhibit. I don't know if you had a chance to review it. But
4 continue to ask your questions. Thank you.

5 MS. BERG: So we know that we met with you at your
6 invitation three times. Who set the agenda for those meetings?

7 MS. BATTIES: I believe the first outreach -- I don't
8 -- I think actually, the first outreach was from the Capitol
9 Homeowners Association to Radhika. But nonetheless, we were
10 happy to meet with that Capitol Homeowners Association. And as
11 I typically do, I don't like to go into any meetings without an
12 agenda. So since an agenda was not prepared by either the
13 homeowners association or Jair Lynch, I took it upon myself to
14 create an agenda that was circulated and shared with all the
15 parties.

16 MS. BERG: Okay. And during those meetings, how much
17 time to Capitol Square have to discuss our concerns compared to
18 the time that you spent presenting to us?

19 MS. BATTIES: I don't recall. I don't have the answer
20 to that question specifically, but I don't recall any time limits
21 on the meetings.

22 MS. BERG: Okay. I have some questions about
23 transportation. What is your estimate for how many cars will be
24 coming in and out of the building daily?

25 MS. BATTIES: Thanks, Rob. And I think we should be

1 comparison to the proposed use versus the existing
2 (indiscernible) use.

3 MR. SCHIESEL: Give me a second. I'll look it up. I
4 don't know if we have it here.

5 MS. BATTIES: We should have it in our responses.

6 MR. SCHIESEL: Yes, (indiscernible).

7 MS. BATTIES: Okay.

8 MR. SCHIESEL: That's a different thing. I have the
9 net trips.

10 MS. BATTIES: Okay.

11 MR. SCHIESEL: Okay. The weekday total amount of cars
12 and -- serving to site, 1,244, a net increase of 692 cars per
13 day over the existing (indiscernible).

14 MS. BERG: And that include residential as well as
15 trucks, any grocery or takeout, people visiting the PUDO site,
16 the number of Lyft and Uber trips that are starting in the PUDO
17 site?

18 MR. SCHIESEL: Yes.

19 MS. BERG: Does that number seem low to you for 500
20 residents plus a grocery store? That would be -- and now I'm
21 hearing potentially as large as 15,000 square feet. And we know
22 by the letters of support is attracting D.C. residents apparently
23 all over the City as well as people from Arlington, as opposed --
24 we can see in the letters of support that you have referenced?

25 MR. SCHIESEL: Our -- the data is based on industry

1 methodology supported by how DDOT and their guidelines calculated
2 it. It's based on studies of other residential buildings, other
3 grocers, other retail places, and applied some data-driven
4 adjustments based on census data, how we expect people will travel
5 from other studies of the area.

6 MS. BERG: Okay.

7 MR. SCHIESEL: So --

8 MS. BATTIES: And given the proximity, so that's --

9 MS. SCHIESEL: Yeah, so that's what I'm saying. Giving
10 details about the area, which includes things like Metro and that
11 have, yeah, I would say it's the industry standard.

12 MS. BERG: And the pictures you included in your
13 presentation about the streets. What time of day did you come
14 to visit the community to take those pictures and what day of
15 the week?

16 MR. SCHIESEL: The majority of the pictures that were
17 presented as part of the testimony were taken on a Monday morning
18 between 9 a.m. and 11 a.m.

19 MS. BERG: Did you observe traffic on different times
20 of the day in the week, particularly evenings and weekends?

21 MR. SCHIESEL: I'm very familiar with the area, and
22 yes, I have observed traffic and congestion in the neighborhood
23 streets at various times.

24 MS. BERG: Have you -- what types of things have you
25 observed, in terms of traffic and congestion in that particular

1 corner -- in the northern corner?

2 MR. SCHIESEL: There is traditional thru traffic during
3 the peak hours. There's also a lot of traffic at nights and
4 weekends due to the general activity, depending on what type of
5 events were going on. Like --

6 MS. BERG: How would be a -- how would (audio
7 interference) a grocery store or residents get out if, for
8 example, an accident happened there, as it did about two hours
9 ago, where the police response blocked the entire curb cut on G
10 Street? This seems to happen probably every other day.

11 MR. SCHIESEL: And it's the same in any urban
12 (indiscernible) condition when things happen, you know, it can
13 disrupt the system. We design a system for, you know, typical
14 conditions, not emergency or different conditions. And then
15 there's general standards, and we work with DDOT to make sure
16 that the site access is appropriate.

17 MS. BERG: Why did you eliminate the ingress curb cut
18 on 9th Street? Would it make more sense to keep the ingress
19 there as it has been for over 30 years, and it helps drive the
20 traffic northbound instead of cutting through our neighborhood?

21 MR. SCHIESEL: The ingress on 9th Street.

22 MS. BERG: The curb cut on 9th Street.

23 MR. SCHIESEL: The existing curb cut, that essentially
24 works in tandem with the existing G Street cut. Eliminating that
25 seemed like an easy thing for us to do, because basically it's

1 only used by cars going northbound on 9th Street, and they would
2 be able to then slip in. Instead, they would go around the corner
3 about 50 to 100 feet later and turn into the G Street. So the
4 benefits you get from removing that curb cut, it's not providing
5 any redundancy or flexibility really for cars coming in, much to
6 the point where it's worth it, compared to just keeping the one
7 curb cut on G street, so effect -- functionally close by.

8 MS. BERG: So you have cars turning in and out
9 simultaneously from one curb cut when one -- you could take some
10 of them out of the way. Okay. Did it also allow you to move
11 your building further north when you removed that curb cut?

12 MR. SCHIESEL: That I cannot answer.

13 MS. BERG: You indicate a stoplight on 9th Street at
14 the 395 exit ramp, is that approved -- been approved by DDOT or
15 the highway agency?

16 MR. SCHIESEL: No.

17 MS. BERG: In some of your aerial views, you show 807
18 Maine Avenue with a height that's been proposed by Mill Creek in
19 Zoning Case 22-11. Has that been approved by the Zoning
20 Commission, or is that a false representation of the current
21 conditions and how your building would fit in?

22 MS. BATTIES: That shows the proposed building height.

23 MS. BERG: Okay, so it's not -- it's banking on another
24 approval that you don't have and is -- has not been made by the
25 Zoning Commission. So you've presented documents to sort of show

1 | how your building is in line with other buildings on that side
2 | of the block, but that's not actually the conditions. So that's
3 | an inaccurate rendering at the moment, correct?

4 | MS. BATTIES: It shows the proposed building.

5 | MS. BERG: So you say your building facing Maine Avenue
6 | will have 130 feet, but that's counting from G Street. The actual
7 | height from Maine Avenue will be 140 feet include -- excluding
8 | the penthouses, going up to over 150 feet. In your presentation,
9 | you mentioned that The Wharf buildings have 130-foot height as
10 | well. There's also a slight elevation change across Maine Avenue.
11 | Will 899 Maine actually be higher than The Wharf buildings?

12 | MS. BATTIES: I will let Brett speak to how the zoning
13 | regulations require building heights to be measured.

14 | MR. SWIATOCHA: So the height of the building -- in all
15 | of our references to height throughout the package, and
16 | throughout the testimony, height is referenced off of a G Street
17 | measuring point, as is permitted per the Zoning Regulations. So
18 | 130 feet is measured from G Street and that is resulting in the
19 | height of the building as it presents itself.

20 | COMMISSIONER MAY: I'm sorry, can you answer her
21 | question more directly than that? She asked if the building is
22 | going to be taller than the one across the street? Is it going
23 | to be taller? That's a yes or no question.

24 | MR. SWIATOCHA: Yes.

25 | COMMISSIONER MAY: Yeah.

1 MR. SWIATOCHA: Yes.

2 COMMISSIONER MAY: I mean, we understand why, because
3 we know how buildings are measured from a zoning perspective.
4 That's all there is to it. You don't need to defend that. We
5 don't defend that. Thank you.

6 MS. BERG: Letters of opposition have indicated that
7 there will be a tunnel effect that's specifically meant to be
8 avoided on Maine Avenue. Your presentation didn't address that
9 directly. Can you do that now?

10 MS. BATTIES: Okay.

11 MR. SWIATOCHA: So we don't believe that there's a
12 creation and a tunnel effect. And that is based off of how we
13 have articulated the building along Maine Avenue. We have not
14 created a continuous length of building for the frontage of the
15 of the site. We have intentionally broken up that overall
16 configuration to create breaks in the space and the massing and
17 relief from the frontage along Maine Avenue to avoid any potential
18 tunnel effects that might be perceived.

19 MS. BERG: So the breaks in the massing are headed
20 north, not on Maine Avenue?

21 MR. SWIATOCHA: No, there are breaks in the building
22 on both the 9th Street side of the building and a very significant
23 break in the building on Maine Avenue.

24 MS. BERG: Regarding your letters of support that
25 you've referenced, you referenced 21 in a one-mile zone? How

1 many -- how were those letters submitted for the most part?

2 MS. BATTIES: They were submitted through an electronic
3 service, but I don't -- the -- it's an electronic service that
4 the Applicant used to reach out to people or apartment buildings
5 within the immediate area.

6 MS. BERG: Because none of the residents in my community
7 received an email or a letter in the mail or anything asking us
8 to visit 899maine.com. And is that the site that you're talking
9 about that solicited letters of support?

10 MS. BATTIES: Yes. And I have the name and a map
11 showing the eight apartment buildings in the immediate area that
12 were provided with the mailer about the project.

13 MS. BERG: Okay. So to confirm, you didn't send that
14 to anyone in Capitol Square or any of the other townhouse
15 residents. You just targeted eight apartment buildings in the
16 area?

17 MS. BATTIES: Well, we were -- we knew that the
18 residents in Capitol Square were aware of the project, and we had
19 been in communication with the residents in Capitol Square. We
20 were really trying to outreach to people that we believed weren't
21 aware of the project, specifically the retail uses that were
22 being proposed.

23 MS. BERG: Okay. How many letters of support came in
24 organically and not solicited through 899maine.com?

25 MS. BATTIES: I don't know.

1 MS. BERG: How many of those letters -- those in one
2 mile zone as well as that are coming from Northwest, Southeast,
3 Arlington, Virginia, which is a significant number of them, how
4 many of them were written by Jair Lynch or Holland & Knight staff
5 or friends and family members of such?

6 MS. BATTIES: So there were 38. As of today, there
7 were 38 letters of support, 21 from residents that lived within
8 one mile or worked within one mile of the project. None of the
9 letters were -- those letters were written by Holland & Knight.
10 And the website asked people to like basically identify elements
11 or features of the project that were most significant to them.

12 MS. BERG: Were those visitors to the site able to
13 click on something on that website to see the plans, to see the
14 height, to see the shadow study, the traffic study, to see
15 anything in the case file for the Zoning Commission?

16 MS. BATTIES: I don't know, but they were -- the case
17 was referenced.

18 MS. BERG: They weren't. They weren't. And it's not
19 referenced with any way for anyone to obtain those. All they
20 were looking at was promises of grocery stores and banks, and
21 bike lanes and other things that I am also in favor of, in
22 general, in Southwest for the record.

23 We also wanted to know how did you substantiate that
24 these letters are from people that are actual people? I recognize
25 most of the names in the letters in opposition, as well as a

1 number of names in the letter of support for area residents. How
2 do you know that these are people that actually live in Southwest
3 as opposed to work, because I did notice several addresses of
4 commercial buildings at The Wharf, including someone who used the
5 address of your proposed 899 Maine as their address, which has
6 been included in your list of letters of support.

7 MS. BATTIES: Again, there are people that provided
8 their address, and they in their statement said whether or not
9 they worked or lived in proximity to the site.

10 MS. BERG: Okay. Does the Zoning Commission procedures
11 allow for the auto-forwarding of forms from a website, or must
12 legitimate letters of support be emailed to submit it directly
13 to the residents?

14 MS. BATTIES: I believe the zoning procedures, and I've
15 worked on several cases, allows for professional outreach --
16 outreach professionals to describe, get support for a project.
17 So that part is not unusual. There are plenty of projects that
18 use professional PR communication firms.

19 MS. BERG: Some individuals not affiliated with our
20 association, but happen to be tenants in homes in our association,
21 people that rent their townhouse from an owner, started a petition
22 that has over 200 signatures on it. Those individuals are able
23 to know that their name and information will be public because
24 they're entering it into a petition site. Did your website
25 indicate to the submitters that their public and personally

1 identifiable information, including their name, address and phone
2 number will become public to the zoning case file?

3 MS. BATTIES: I don't know the answer to that.

4 MS. BERG: It didn't. Okay. I think that's all the
5 questions I have right now. Thank you. I probably went over
6 time. I forgot to start my timer.

7 CHAIRPERSON HOOD: Actually, you were not on a timer.

8 MS. BERG: Oh.

9 CHAIRPERSON HOOD: It was only Commission members. We
10 only time ourselves.

11 MS. BERG: Well, thank you for letting me have that
12 time.

13 CHAIRPERSON HOOD: Okay. Thank you. And again, you --
14 we will be calling you back for your organization's testimony.

15 MS. BERG: For a procedural matter --

16 CHAIRPERSON HOOD: Sure.

17 MS. BERG: -- because our party status was challenged
18 at one point, that's why we had the two individual owners submit,
19 just so that we would have someone able to speak to you tonight
20 and cross-examine. But will those two individuals still -- they
21 registered as witnesses as well. They'll still be able to speak,
22 or should I be trying to incorporate their testimony into the --

23 CHAIRPERSON HOOD: They will be able to speak, unless
24 you all want to do it together. That's kind of what we threw
25 out there. But if you want --

1 MS. BERG: Okay. I don't think we can do five minutes
2 together. Because we had five -- three separate presentations.

3 CHAIRPERSON HOOD: But you -- no, you get more than
4 five minutes.

5 MS. BERG: Oh, okay.

6 CHAIRPERSON HOOD: You get much more than five.

7 MS. BERG: Yeah.

8 CHAIRPERSON HOOD: You get an hour. Ms. Schellin --

9 MS. SCHELLIN: Yes.

10 MS. BERG: Yeah, more.

11 MS. SCHELLIN: I think about 58 minutes, so --

12 CHAIRPERSON HOOD: Yeah, you get 58 minutes between --
13 yeah, and there'll be -- this includes the review, because you
14 get 58 minutes.

15 MS. BERG: All right, thank you.

16 CHAIRPERSON HOOD: Not five minutes. No, that's a big
17 misnomer. No, you get much more than five minutes.

18 MS. BERG: Okay, thank you.

19 CHAIRPERSON HOOD: Okay, thank you.

20 Let's go to the Office of Planning. I believe we have
21 Ms. Thomas, Ms. Steingasser, and Ms. Blondin from the District
22 Department of Transportation.

23 And Commissioner Kramer, and Ms. Berg, don't go
24 anywhere, because you may have questions of either -- cross-
25 examine of either the Office of Planning or DDOT, so don't go

1 too far.

2 All right, Ms. Thomas, you may begin.

3 MS. THOMAS: Yes. Good evening, Mr. Chair, Commission
4 members. Karen Thomas presenting the Office of Planning's
5 recommendation for Zoning Commission Case 22-06, submitted this
6 evening by the applicant, 801 Maine Avenue, LLC.

7 Next slide.

8 The project at this location shown on the slide
9 proposes a rezoning of the site from the MU-12 to the MU-9A zone
10 as a building height ranging from 90 feet at the north at G Street
11 to 120 to 130 feet along Maine Avenue towards The Wharf. Four
12 hundred ninety-eight dwelling units are proposed with 15 percent
13 of the residential GFA dedicated to IZ units at 60 percent MFI,
14 where all three-bedroom family-sized units are included in the
15 60 percent affordable category. Fifteen percent of penthouse
16 habitable space would be dedicated to a family at 50 percent MFI.
17 The Office of Planning recommends that this application as
18 presented tonight be approved.

19 Next slide.

20 The property proposed to be rezoned to MU-9A is
21 designated on the Future Land Use Map for medium density
22 commercial. The proposed MU-9 zone is an appropriate option
23 consistent with this Comp Plan direction. The MU-9A designation
24 is at the high end of the density identified in the Plan for
25 medium density residential. But OP supports this density to

1 allow for housing and affordable housing, which are high priority
2 themes of the Comp Plan. The Office of Planning reports further
3 describe how the proposal would generally further the direction
4 of the policy map and the Comp Plan written elements, including
5 the Citywide Elements, the Lower Anacostia Southwest Area
6 Element, and the Southwest Small Area Plan.

7 Where there are inconsistencies, including the policy
8 to retain and remodel existing development rather than
9 demolition, in this instance, remodeling would not be a preferred
10 alternative since the current structure does not provide the
11 height and density anticipated by the Future Land Use Map as
12 supported in the Lower Anacostia Southwest Element and the
13 Southwest Small Area Plan. These are weighed against other Comp
14 Plan policies and the merits of the project as a whole. In this
15 case, bringing new market rate housing, affordable housing, and
16 neighborhood uses to an underutilized site rather furthers Comp
17 Plan policy direction. On balance, this mixed-use development
18 would not be inconsistent with the Comprehensive Plan.

19 With regards to analysis through a racial equity lens.

20 Next slide.

21 The Office of Planning setdown report includes a full
22 analysis of the Comp Plan through an equity lens, as does the
23 Applicant's submission. In summary, one of the main ways the
24 Comp Plan seeks to address equity is by supporting additional
25 housing, particularly family-sized affordable units. There will

1 be no residential or business displacement to this development,
2 and as stated, none of the three-bedroom units would be market
3 rate. The units would benefit lower income families locating in
4 a neighborhood with schools, a library, recreation areas and easy
5 access to transportation for many services, and to employment
6 that would not be typically available to lower income residents.
7 Such amenities also lead to better health outcomes.

8 Next slide.

9 The proffered benefits and amenities package for this
10 PUD includes the production of 498 new residential units on a
11 site that currently contains no housing. This would include 75
12 units at 15 percent of the residential square footage at
13 50 percent to 60 percent MFI. This would exceed the number of
14 units that would be provided under the site's existing MU-12
15 zoning, both as a matter-of-right or through a PUD. The proposal
16 also includes about 2,400 -- 24,000 rather square feet of retail
17 space, which is being targeted for a small grocery use and a bank
18 and would support employment for area residents with a variety
19 of skill levels.

20 The proposed infrastructure improvements include the
21 reconfiguration of 9th Street, inclusion of a pickup/drop off
22 area on 9th Street as requested by the community to accommodate
23 recent uses in service drop offs and taxis, and also dedicated
24 bike lanes and a wider -- and wider pedestrian sidewalks. This
25 is a considerable benefit for the existing residents and

1 neighborhood overall. The building is designed to reflect the
2 nature of the site and generally use good quality materials and
3 detailing.

4 OP supports the proposed design attempts to adhere to
5 the Southwest Design guidelines, including the varied height and
6 massing on the site as it focuses its massing away from the
7 townhomes on G Street towards Maine Avenue, where it is more
8 consistent with the other buildings in Southwest with open --
9 with onsite open space features, particularly at the north end.
10 The design is such that as it appears as two buildings connected
11 at the center, with each portion responding to its immediate
12 context. Ninety feet height across from the 50-foot road
13 structure similar to other 90 feet buildings in the area, and the
14 tallest section facing The Wharf buildings.

15 Materials used are consistent with the development
16 patterns of newer buildings, and the project has been upgraded
17 to LEED Platinum. OP considers this a public benefit for
18 residents in a high opportunity area, particularly for future
19 low-income residents. The leading -- the LEED rating score sheet
20 includes credits for use of environmentally preferable products,
21 construction waste management, and indoor environmental quality.
22 The proposal for landscape and art-infused courtyards for
23 residents and neighbors would enhance the pedestrian experience
24 along the perimeter of the site, as well as the proposed facade
25 treatment on the east side of the building.

1 The Applicant is also proposing monetary contributions
2 of up to 100,000 to Jefferson Middle School, and 75,000 to the
3 provision of art in the neighborhood. While some of these may
4 not be -- meet the requirements for being considered as part of
5 the benefits and amenities proffer; however, they are all
6 commendable and OP appreciates the discussion this Applicant has
7 had with community.

8 Overall, OPI supports the proposed development as it
9 generally aligns with the spirit of the regulations, including
10 satisfying the Southwest Small Area Plan's design and
11 affordability guidelines. The project site is located in a
12 transit-oriented development, where circulation is contained
13 within the site. There are many neighborhood amenities,
14 including schools, a library, the waterfront, and other
15 recreational and employment opportunities. This project would
16 ensure housing affordability by advancing diversity and equity
17 in this high-cost neighborhood within the planning area and would
18 ensure preservation of affordable housing through the long-term
19 affordability restrictions afforded through IZ, which is also
20 desired under the Southwest Area Plan.

21 OP feels that the benefits and amenities package
22 intended to be read as a whole are commensurate with the
23 flexibility gained through this PUD and would benefit future
24 residents and the City as a whole. Thank you.

25 CHAIRPERSON HOOD: Okay. Thank you. Let's go right

1 to DDOT, and then we'll come and do our round of questioning.

2 Ms. Blondin?

3 MS. BLONDIN: Good evening. Can you hear me?

4 CHAIRPERSON HOOD: Yes, we can.

5 MS. BLONDIN: Cool. I'll keep my -- thanks. I'll keep
6 my testimony quick. Good evening. As you've heard from the
7 Applicant, they've worked a lot with us, and they have agreed to
8 all of our commission -- all of our conditions identified in our
9 report, which is Exhibit 44. And so, DDOT has no objection to
10 the approval of the application with those three conditions
11 listed in the final zoning order. Those three conditions are a
12 transportation demand management plan, loading management plan,
13 and the increase of long-term bicycle parking spaces to meet the
14 DCMR-18 requirements. Thanks.

15 CHAIRPERSON HOOD: Okay. That was very brief and good.
16 Okay.

17 Let's see if we have any questions or comments of either
18 Office of Planning or DDOT. Let me start with
19 Commissioner Imamura. So I don't want Commissioner May to take
20 your thunder.

21 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
22 questions. Just a comment. Ms. Blondin, thank you for your
23 succinct report. And Ms. Thomas, thank you for your thorough and
24 very detailed report.

25 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

1 VICE CHAIR MILLER: Thank you, Mr. Chairman.

2 Ms. Blondin, the Applicant may have testified on the --
3 on this, but I now forget what they said. The -- its concept
4 approval that's the DDOT Public Space Committee gave to the two
5 curb cuts on G Street; is that -- that's correct? And when would
6 final approval come when the -- time that a building permit is
7 being applied for? What's the status of your review of the
8 location of that curb -- that one curb cut to the west where the
9 community wants it further away from those townhouses?

10 MS. BLONDIN: So conceptual approval for curb cuts is
11 something that we offer to developers, because we understand that
12 there's a lot that goes into designing a building, after you've
13 identified where the curb cuts go. So it kind of reduces the
14 risk for applicants to go in and get conceptual approval. They
15 have to be heard by the Public Space Committee. So they have
16 been heard and approved for the conceptual approval. What that
17 basically means is the general location and size of those curb
18 cuts. And so, they'll come back once they're submitting their
19 public space permits.

20 So any other work that's happening in public space,
21 including the improvements to the G and 9th Street, their
22 streetscape plan, anything that touches public space, public
23 parking, all of that, they have to come in for a public space
24 permit. It generally happens around when they come in for
25 building permits. But that's when the final, you know, they have

1 to submit that engineer designs for those curb cuts, and
2 everything gets finally approved.

3 VICE CHAIR MILLER: Okay. Thank you very much. And
4 thank you for your report and working with the Applicant to
5 address concerns that the community had about the project.

6 And Ms. Thomas, I think your report goes into this.
7 But if you could just briefly reiterate regarding the 130-foot
8 height along Maine Avenue on this project, and its potential
9 inconsistency with the Comprehensive Plan, its medium density
10 designation, could you just reiterate why you think the public --
11 why the affordable housing and other aspects of the project
12 outweigh any potential inconsistency there in that higher
13 density? If you could just briefly reiterate that for the record.

14 MS. THOMAS: Well, first of all, the -- starting with
15 the existing density, MU-12, it is not consistent with the Comp
16 Plan as it is for medium density commercial. So in proposing --
17 what the Applicant did in proposing, tried to get height onto the
18 property. It wouldn't have been so much -- it's not so much as
19 the 130 we're focusing on, but having to respect the low-density
20 portion across G Street, we believe 90 feet is appropriate. And
21 where they can push additional height away from G Street, they
22 needed some extra height, some extra bump to be able to do the
23 affordable housing, to do housing on the whole and affordable
24 housing, provide some affordable housing.

25 So we thought it would have been appropriate -- it --

1 and not so much the height, but the way it is designed, as it's
2 seen as two separate buildings almost, with an attachment
3 between. The 90 feet, we believe, is appropriate to the 130
4 feet, which would be appropriate for the -- Maine Avenue.

5 Now with respect to the density, coming back to the
6 MU-9 that's being proposed, the -- when you look at what's being
7 proposed at 7.99 FAR, it -- while it seems more than the MU-12,
8 which is not consistent with the Comp Plan, which is inconsistent
9 with the Plan as it is, it falls within a medium density category.
10 MU-8 or MU-10, the MU-10 zone, which is applied to the medium
11 density category, it allows for a FAR of about 8.64 with a PUD,
12 and this is well -- still well below the medium density category.
13 So the site isn't using -- applying the full density, but it's
14 using the height afforded by the MU-9 zone -- 9A zone to be able
15 to push that density away from the G Street. Does that make
16 sense?

17 VICE CHAIR MILLER: Yes. It does, because -- it does
18 to me, because I read your full report, which -- and I was just
19 really asking for a summary of what was there.

20 Can you just briefly also confirm what the Applicant
21 said in response to my question about the OAG written -- I don't
22 know if you've seen the OAG written submission into the record
23 on this case, but when you do see it, if you haven't seen it,
24 I -- maybe -- I think it might -- the Chairman has asked the
25 Applicant to provide a, I think, a written formal response to it,

1 even though we haven't heard from them verbally tonight yet. But
2 I think we may need Office of Planning also to respond to it,
3 specifically to the point that the Applicant testified to in
4 response to my question that -- regarding IZ Plus.

5 If this were a mapping case with IZ Plus, they -- the
6 Applicant stated that the Office of Planning would not have
7 recommended the MU-9A zone, it would have been the MU-8 or MU-10.
8 And even with IZ Plus mapping which requires up to 20 percent
9 affordable housing set aside, I think it would be 18 percent
10 maybe in this case, it would have been less affordable -- a lesser
11 amount of affordable housing under one of the zones that you
12 would have -- that the Office of Planning would have recommended,
13 if you were going with a -- if you had gone the route of
14 recommending a mapping of IZ Plus with a map amendment instead
15 of your recommending approval of this PUD with a map amendment
16 at a high -- with the MU-9A.

17 I don't know if I articulately asked that question, but
18 do you get what I'm saying? Or maybe you can just make that part
19 of a written response to what --

20 MS. THOMAS: Yes. We would be happy to provide a
21 supplemental with that breakdown of IZ Plus for the Commission
22 to understand. Plus we -- (indiscernible) also, that looking at
23 this development as a whole with the benefits that would accrue
24 to -- with a PUD, as opposed to just a map amendment and, you
25 know, they would have been able to develop it as a

1 matter-of-right, and the traffic configurations --
2 reconfiguration of 9th Street may still be an issue. So when we
3 look at advising, you know, whether a map amendment or a PUD may
4 be appropriate, we felt that a PUD will be more appropriate for
5 this site. But certainly we can provide a supplemental with some
6 breakdown of the IZ, and IZ versus IZ Plus.

7 VICE CHAIR MILLER: Thank you. And I appreciate your
8 response off the top of your head here and your willingness to
9 do a supplemental report, if that's needed. Thank you.

10 MS. STEINGASSER: Commissioner Miller --

11 CHAIRPERSON HOOD: Ms. Steingasser, go right ahead.

12 MS. STEINGASSER: If I could also add, the issue of
13 whether OP would support a map amendment or a PUD often comes
14 down -- as you know, the Comp Plan provides a range of density
15 and zones that are applicable to a site. And when an applicant
16 is interested in the highest zone or the highest density
17 available, we typically prefer that to go through a PUD; not
18 always, but our general approach is that if they're going if
19 there's a request to maximize the density, we would rather see
20 that through a PUD where we can look at the impacts and the design
21 function of the site. That's what that statement was referring
22 to.

23 VICE CHAIR MILLER: Thank you, Ms. Steingasser. I
24 appreciate that.

25 That's it, Mr. Chairman. Thank you.

1 CHAIRPERSON HOOD: Thank you.

2 And Commissioner May.

3 I want you all know we went out of order, but --

4 Commissioner May?

5 COMMISSIONER MAY: I noticed that. What was up with
6 that? No, actually, I don't have any questions. I think is --
7 everything has been covered in the questions of my fellow
8 Commissioners. Thank you.

9 CHAIRPERSON HOOD: I would agree too. I probably have
10 a lot of questions, but not necessarily germane to specifically
11 this case, so I'll figure out another forum to ask that.

12 But I do want to thank the Office of Planning and DDOT
13 for their reports.

14 Let's go to the ANC, Ms. -- Commissioner Kramer, you
15 have any cross of either Office of Planning or DDOT? And if it's
16 for both, just let us know who you're asking the question to.

17 COMMISSIONER KRAMER: I have two questions for DDOT.
18 The -- and I'll just ask them together. The first is, does DDOT
19 support placing a traffic light at 9th Street at the exit from
20 the 9th Street Tunnel? And my second -- and if not, what else
21 can we -- is going to be considered to manage the traffic coming
22 south out of I-395 and the 9th Street Tunnel, which essentially
23 converge at that problematic intersection?

24 My other question is -- because it's come back to
25 several times -- is because the -- our testimony before the Public

1 Space Committee was very clear about the fact that we only
2 approved the curb cuts on condition that the curb cut will be
3 moved westward on G Street, I -- and I don't understand the limits
4 of conceptual versus what finally happens. Do we have anything
5 to worry about? Do we have -- do -- should we understand this
6 piece of it that's going to happen on the movement of the curb
7 cuts to westward on G Street? Thanks.

8 MS. BLONDIN: Sure. I'll answer your first one first,
9 which is not (audio interference), so I can't say whether or not
10 DDOT would support a signal there. What I can say is that we
11 know that the stop sign there is not ideal. Some of the changes
12 that are proposed are definitely going to help, because they are
13 not only narrowing the lanes, but also providing lane continuity
14 for that intersection. Because a lot of the time a car -- where
15 the crashes happen or where there's a sideswipe or something,
16 it's because the two cars are going at the same time into the
17 same lane. And so, the lane continuity is a big piece of that.

18 What I can say is that a signal will definitely be
19 examined. And we appreciate the Applicant for providing that
20 initial study into looking at a signal there. Because this is
21 coming from 395, there's a lot of federal coordination that has
22 to happen and the Applicant -- and we understand that, you know,
23 a signal there is something that will take some time to study
24 and to install. And so it's not something that can be a condition
25 on this case, but is going to be something that will definitely

1 be looked at and would work well with the improvements provided
2 by -- proposed by this Applicant.

3 And the second question -- remind me. Oh, the curb
4 cuts. So conceptual approval, they placed some conditions on
5 there. And when they come back -- when the Applicant comes back
6 to Public Space Committee for final approval, that is something
7 that your -- the Public Space Committee takes into consideration
8 a lot of different aspects. I will say, you know, they have
9 conceptual approval for the curb cut on G Street, meaning there
10 will likely be a curb cut on G Street. The final location of
11 that and the size of that is something that there is some room
12 for modification or changes on.

13 COMMISSIONER KRAMER: So I think I'm not -- more
14 confused. And I'm sorry to press this, it may be just my
15 ignorance, but what you just said is -- I thought they had --
16 that the conceptual approval was for the movement westward, not
17 just that there'll be a curb cut. Just having a curb cut opens
18 up all the other things that have been talked about. So I want
19 to understand whether the movement -- move westward on the street
20 is what you're talking about that has conceptual approval, and
21 we should assume that that is likely to happen.

22 MS. BLONDIN: Sorry. That -- the curb cut being moved
23 westward from -- oh, from where it is now.

24 COMMISSIONER KRAMER: Correct.

25 MS. BLONDIN: Understood. So when we look at curb --

1 when we look at curb cuts, especially with a new site -- with a
2 site that's being redeveloped, we see them as completely new curb
3 cuts. And so what we -- I guess the answer is we don't look at
4 the new curb cut compared to the old curb cut, we just look at
5 it as one curb cut. So they -- if they were going to have it in
6 the exact same location, they would still have to go through this
7 process, and we would still recommend them getting conceptual
8 approval. Does that make sense?

9 COMMISSIONER KRAMER: Yeah. Well, that --

10 MS. BLONDIN: But I'm (indiscernible) going to answer
11 your question.

12 COMMISSIONER KRAMER: Yes, I assume that you're saying
13 that you're approving that the curb cut as a new curb cut in
14 location B? That's what I hear you say.

15 MS. BLONDIN: Yeah, yeah.

16 COMMISSIONER KRAMER: Okay.

17 MS. BLONDIN: Sorry.

18 COMMISSIONER KRAMER: That's the best we can do at the
19 moment. I appreciate your clarification.

20 MS. BLONDIN: Yes, of course.

21 COMMISSIONER KRAMER: Thank you.

22 That's -- I don't -- I have no further questions,
23 Mr. Chairman.

24 CHAIRPERSON HOOD: Okay. Thank you,
25 Commissioner Kramer.

1 Let's go to party in opposition. Ms. Berg?

2 MS. BERG: Thank you.

3 A question for the Office of Planning. And I know you
4 touched on this a little bit a minute ago, but I am getting
5 questions from my team here. But we wonder after all the
6 community outreach and agreements that were made when the Future
7 Land Use Map was created, and the Comprehensive Plan was approved,
8 it was zoned as M-12. Why wasn't it made high density then,
9 because phase one of The Wharf had already been built at that
10 stage.

11 MS. THOMAS: Sorry. The Future Land Use Map doesn't --
12 didn't rezone the site. It recommended what this site -- it's
13 a -- the land use map is not a zoning map. So -- we unless
14 somebody is going to rebuild the site or redevelop the site, then
15 it comes into consistency with the -- what the Future Land Use
16 Map recommends. It's not a zoning map, per se.

17 MS. BERG: Okay. Why does it not recommend or identify
18 the site as mixed use and only as medium density commercial?

19 MS. THOMAS: I'm not sure what went into that thinking
20 way back in 2006 -- when it was.

21 MS. STEINGASSER: I can add a little bit to that.

22 MS. THOMAS: When it went from that, I'm not sure.

23 MS. STEINGASSER: I can add a little bit to that. All
24 commercial properties have an incentive for residential. All
25 commercial zones permit residential, so there's no need for the

1 mixed-use striping in that location.

2 MS. BERG: How did -- you mentioned some health
3 benefits that you'd recognized from your review of the proposal.
4 How did you determine that? (Indiscernible) community health
5 experts that weigh in?

6 MS. THOMAS: As part of the 2019 Equity Report, health
7 is also an important factor consideration, particularly in low-
8 income communities. Stress for people of color is a factor.
9 Stress, just daily living stress, transportation issues create
10 stress and poor health outcomes for low-income people. And it
11 shows that where they live, where low-income people typically
12 live are stress creators and with poor health outcomes for low-
13 income people.

14 MS. BERG: So it was determined that this you know, 130
15 to 150, at its actual height building, wouldn't stress like the
16 children at the school next door, that people trying to use the
17 facilities?

18 MS. THOMAS: We look at it on in terms of access, so
19 access to schools, access to housing, access to clean living and
20 clean buildings, healthy air quality buildings, and access to
21 outdoor open space. But that's how it's assessed.

22 MS. BERG: I'm told the site is in a neighborhood
23 conservation area in the Framework, and that states that --
24 development is supposed to conserve and enhance the established
25 neighborhoods. We just heard a few minutes ago that this building

1 will actually be taller than The Wharf, which was considered
2 distinct from Southwest and a variety of other documents and
3 plans have been approved. How does this building conserve the
4 Southwest Neighborhood?

5 MS. THOMAS: The -- well, a neighborhood conservation
6 area doesn't mean that -- doesn't preclude development of an
7 area -- of any area. What it means is that it must respect the
8 context in which it is being developed or redeveloped, and we
9 believe that this proposal does that.

10 MS. BERG: I have a few questions for DDOT.

11 Could the Applicant leave the curb cut on 9th Street,
12 or even create one further down on 9th Street to minimize traffic
13 movement on the corner? And if so, would that let them
14 potentially move the G Street curb cut as exit only further west?
15 For example, we think that the in and out on the G Street
16 contributes to the chaos there. And then we think that if even
17 in some vehicles, those -- pretty much all of them entering the
18 building are able to turn into the parking lot or the garage
19 before entering the intersection, it would reduce some of the
20 chaos that's there and get them out of the intersection before
21 they even get there. And we also think that making the G Street
22 exit -- the curb cut there exit only, would help cut -- with some
23 of the concerns that we have people cutting through our
24 development in order to illegally cross G Street into those --
25 into that curb cut. So could they leave the 9th Street curb cut

1 where it is and/or create one further down?

2 MS. BLONDIN: So as I mentioned earlier, leaving a curb
3 cut is still something that they would have to apply for, because
4 it's a redevelopment of the site. And applicants are always
5 welcome to be heard at Public Space Committee for any curb cut.
6 That being said, we as staff would not recommend that. We try
7 to reduce the amount of curb cuts on a site to as few as possible.
8 In fact, this site, you know, we would have liked to see just a
9 single curb cut. Having two curb cuts is -- for one property,
10 is more than we would like to see, mostly for safety and for
11 fewer conflict points of cars turning in and turning out. And
12 so having this one private alley with the two curb cuts, we saw
13 as the best options for safety and for flow of vehicles through
14 there.

15 MS. BERG: Has DDOT had the opportunity to look at any
16 of the photos that we've sent into the case file? How would our
17 community, you know, show you some of the traffic jams that occur
18 there to help you make this decision?

19 MS. BLONDIN: Sure. So you know, we -- when we look
20 at a development, we want to make sure that it's working with
21 peak hours, but also with non-peak hours, and that type of
22 accidents that are happening is not something that this
23 development can fix or can address. That's something that, you
24 know, we can work with the community on a separate note, not
25 connected to this development. We do have a system with a traffic

1 safety investigation that can look into things like that that
2 have happened.

3 We do you know -- we're well aware that there's a lot
4 of conflicts that happen there. And I do think that, you know,
5 the improvements at that intersection of 9th and G will help with
6 some of those crashes that have occurred.

7 MS. BERG: Has DDOT considered this project
8 individually, or are you considering it in conjunction with other
9 developments, such as Wharf Phase 2 or the 807 Maine Avenue
10 proposal, which is Zoning Case 22-11?

11 MS. BLONDIN: Yeah. We do look at them in conjunction.
12 So with the developments that are planned, those are all taken
13 into consideration when we look at growth for the future traffic
14 that we anticipate. And so you'll see in the report, a list of
15 the other developments that are considered for those future --
16 the future numbers, which includes Wharf Phase 2 as well as some
17 other developments. And then, you know, I -- I'm also the case
18 manager for the 807, and so, you know I'm able to look at them
19 at the same time and examine, you know, what they're doing to
20 our network as a whole.

21 MS. BERG: DDOT asked for a curb cut entrance on Maine
22 Avenue to be right in only -- which is all you can do because of
23 the median -- for grocery trucks larger than 35 feet in length.
24 Have you considered whether there's enough space for those trucks
25 to turn on G Street, or will we be losing significant parking on

1 G Street?

2 MS. BLONDIN: You'll be losing the parking as required
3 by the curb cut, right. So wherever the curb cut is plus five
4 feet on either side. But the turning movements show that that
5 is able to occur on G Street.

6 MS. BERG: Okay. We notice that the Applicant's study
7 didn't take into account our streets, our community at all in
8 their traffic study. Has DDOT looked at cars coming and going
9 through our streets and how they contribute to the traffic
10 patterns into the site?

11 We -- so we do look at it as a holistic network, which
12 does include your community and the houses of the traffic that's
13 caused by that.

14 MS. BERG: Okay. So a question about the potential
15 signal. So we keep talking about the I-395 exit ramp, but that
16 is also the 9th Street Tunnel coming south, where people can get
17 on to 395. It's not (audio interference). If the Applicant puts
18 a signal there, we're concerned that it would encourage or
19 discourage people from turning into our development. Is that
20 something that would be mitigated by this traffic signal or --
21 and DDOT study would continue -- consider the impacts on us and
22 actual human factors when people are driving and confronted with
23 backups?

24 MS. BLONDIN: I'm sorry. You broke up a lot during
25 that; I don't know if that was on my end. Could you summarize

1 your question again?

2 MS. BERG: Yeah, you just broke up on me too, so it
3 might mean my bandwidth. I'll turn my video off. So will you
4 consider that sort of human factors where people disobey sort of
5 traffic laws and "do not enter" signs when you make your
6 recommendations on curb cuts and traffic signals?

7 MS. BLONDIN: You know, that's a great question for all
8 of traffic, right? Human behavior is something that we always
9 take into consideration, and we've tried to design ways that, you
10 know, human error cannot get somebody hurt. And so that's why
11 we, you know, when the Applicant was talking earlier about
12 reducing crash risk and crash severity, that's all about slowing
13 vehicles down. And so that improvement to that intersection is
14 really about reducing the speeds of those vehicles, so that if
15 there is human error involved and a car, you know, hits another
16 car or hits a pedestrian, that crash severity is lowered.

17 And so, it's not going to be something where somebody
18 gets killed, because we can't design out human error. That's not
19 something we can do. But we can slow it down to make sure that
20 we're not getting people hurt worse.

21 And what does DDOT think of the traffic estimates that
22 the Applicant has provided, the number of cars that they think
23 will be coming in and out of the site with the proposed uses?

24 MS. BLONDIN: We think they met the uses and the
25 proposed parking. You know, we encouraged them to go with the

1 mode split that they have identified. So the mode split is the
2 amount of people that will be driving versus walking or biking
3 or taking the Metro, and that's all based on our recommendations
4 for our CTR -- our Comprehensive Transportation Review based off
5 their proximity to Metro and bus services.

6 MS. BERG: Okay. I think that's it from us. Thank
7 you.

8 CHAIRPERSON HOOD: Okay, thank you.

9 Now we will go to Commissioner Kramer. Oh, wait a
10 minute. Hold up.

11 Does the Applicant have any thoughts?

12 COMMISSIONER KRAMER: I can't get my video on.

13 CHAIRPERSON HOOD: Hold on for a second. Does the
14 Applicant have any question?

15 MR. No, we're --

16 UNIDENTIFIED MALE: Don't worry.

17 COMMISSIONER KRAMER: It's not working. And he froze.
18 He froze.

19 MS. BATTIES: I just wanted to clarify one thing that
20 Ms. Blondin said --

21 COMMISSIONER KRAMER: I can't get the video.

22 CHAIRPERSON HOOD: No, this is not -- this is -- this
23 -- hold on -- Ms. -- Commissioner Kramer?

24 COMMISSIONER KRAMER: Oh, sorry.

25 CHAIRPERSON HOOD: We actually can hear you.

1 COMMISSIONER KRAMER: I'm sorry. My thing froze, and
2 I can't get it on or off. I'm so sorry.

3 CHAIRPERSON HOOD: No, no. That's all right. That's
4 all right. Just -- it'll catch up. Just don't get frustrated,
5 because --

6 COMMISSIONER KRAMER: Okay.

7 CHAIRPERSON HOOD: Sometimes when I say certain things,
8 I try to make sure that I'm on mute. So anyway.

9 Ms. Batties, this is not a time to go back and forth.
10 Do you have any cross to the Office of Planning? No clarification
11 right now.

12 MS. BATTIES: That was just for DDOT. DDOT.

13 CHAIRPERSON HOOD: Okay. You have a question for DDOT.
14 Okay, Ms. Blondin, the Applicant has a question for
15 you.

16 MR. HAITH: Yes.

17 MR. BATTIES: Ms. Blondin, can you just please confirm
18 that when we started this process that DDOT really was just in
19 support of a single curb cut off G Street when we started, and
20 we were able to work with DDOT and the community to get that
21 second curb cut on Maine.

22 MS. BLONDIN: That's correct. We did not want a curb
23 cut on Maine Avenue, because that's an arterial. But with the
24 uses that the Applicant wanted, specifically the grocer and
25 needing access for 35-foot trucks, there -- they showed us that

1 that's not feasible for them to get in, and basically turn around
2 in the site for head-in, head-out movements only through the
3 G Street curb cut. So they wanted one on Maine Avenue, which is
4 why we recommended conceptual curb -- curb cut approval, because
5 those two curb cuts is not typically something we recommend or
6 support.

7 MS. BATTIES: And then just also, Chairman Hood, on
8 page four of our report, to address Commissioner Kramer's
9 concern, we have agreed -- we listed specifically in our response
10 to the community's concerns that the -- we're shifting the
11 G Street curb cut as far west as possible. Thank you.

12 CHAIRPERSON HOOD: Okay. And I apologize to the
13 Applicant, because I don't -- I should have called you all first,
14 and I didn't.

15 Okay, so, Ms. -- I'm sorry.

16 Commissioner Kramer, now it's time for your testimony.
17 The ANC.

18 COMMISSIONER KRAMER: Thank you. I'm so sorry. I had
19 a glitch and technical problem.

20 So good evening. Long evening. I'm Frederica Kramer,
21 Vice Chair of ANC 6D and authorized by ANC 6D to testify on Case
22 22-06. I and Commissioner Litsky have been on this -- together
23 on the negotiating team for 22-06 with Commissioner Lightman in
24 whose SMD this was and had chaired those negotiations.

25 As you know, ANC 6D voted on 20 -- on September 21st

1 to oppose the project, but I want to recall to you that this --
2 our Commission has largely supported developments like this one.
3 But that support has always rested on the proposals demonstrating
4 a respect and understanding of the unique character of Southwest,
5 delineated and incorporated into law in the Southwest Small Area
6 Plan and a recognition of substantial community benefits that
7 will contribute to enhancing the long-term well-being of our
8 community.

9 In this case, the Applicant has purchased a relatively
10 -- to what they're doing -- a very small parcel of land on which
11 they want to build a very large building. The project is on an
12 extremely challenging site, as we've talked about, a very odd
13 triangle bounded by major traffic arteries fed by the traffic
14 existing from I-395 exit, excuse me, from 395 and the 9th Street
15 Tunnel and a major route to events at The Wharf and Nats and Audi
16 stadia. On the north side is the community of 90 townhouses; on
17 the east, the playing fields of Jefferson Academy Middle School;
18 altogether requiring a much more fine-tuned approach to any
19 development on this parcel and responsive to the complexities of
20 the site and the context.

21 Recognizing the challenges, we met repeatedly with the
22 Applicant to remedy some of our concerns. Commissioner Lightman
23 has also met several times with interested community residents
24 potentially impacted by the project. We thank the Applicant for
25 their willingness to continue to the discussions on these knotty

1 problems. But I want to point out that although the record seems
2 to -- from the Applicant seems to suggest that we met 25 times,
3 I can't imagine us having met 25 times or what their -- what
4 they're counting.

5 It certainly -- we -- the negotiating committee
6 certainly didn't meet 25 times with the Applicant. That includes
7 other, perhaps, presentations to the full ANC. I don't know.
8 But I'd like to clarify that. We obviously, hope to continue to
9 meet with the Applicant and try to still work on these problems.

10 So despite our continued effort -- efforts to find some
11 solutions, our Commission still finds that the proposal is
12 unchanged in ways that minimize the significant impact on the
13 adjacent homeowners that you've just heard from, that it'll
14 exacerbate the traffic challenges that we've spoken to and that
15 others have spoken to, and it will continue to contribute in the
16 Small Area Plan and proffer no meaningful and substantial
17 community benefits, which is what we had hoped or what we continue
18 to hope for.

19 Let me first turn to the -- to what the ANC finds as
20 violations of the Small Area Plan. We recently testified to
21 zoning on the importance of respecting a community Small Area
22 Plan, which with a Comprehensive Plan creates this overall vision
23 of the City, but also integrates the character and sensitivity
24 of individual communities and their -- and how they function.
25 Equally important, the small area plans represent a compact

1 between the government and the citizens. These become
2 foundational documents for ANCs, neighborhood associations, and
3 public authorities to understand the roadmap and the legal and
4 moral basis upon which D.C. residents rely for fairness, equity,
5 and accountability in development.

6 We noticed -- we noted that the Southwest Small Area
7 Plan is one more -- more a -- more than a score of small area
8 neighborhood plans throughout the District, so residents across
9 our city will pay close attention to how their visions of their
10 own neighborhoods encoded into law, are going to be upheld by
11 development decisions. Contravening the guidelines of one,
12 without irrefutable benefit to the community, erodes the
13 legitimacy of all.

14 The proposed development in this case violates the both
15 the spirit and intent of the Small Area Plan and the vision of
16 Maine Avenue in that plan. First, with regard to height and
17 density, the Applicant's justification for the requested
18 increases continues to reference The Wharf on the south side of
19 Maine Avenue -- and we've heard that again tonight -- in order
20 to propose that the portion of the building bordering Maine Avenue
21 be equal in height to the buildings of The Wharf. In fact, we
22 just heard that it'll be higher than the buildings on The Wharf.

23 As the ANC has reminded the Commission, The Wharf was
24 specifically not included by the Office of Planning in our Small
25 Area Plan. The plan has always, without conditions, included the

1 north side of Maine Avenue and disavowed the creation of Maine
2 Avenue as an alley of tall buildings. Maine Avenue is a
3 (indiscernible) line for Southwest, a border between the
4 residential neighborhoods and the massive buildings on The Wharf.
5 If the Wharf were to set the standard, it would prove perilous
6 for residential development and Southwest going forward.

7 The height requested in the PUD on the north side is
8 massive, at least twice the current zoning, which is dependent
9 on how you count and what you include at 65 feet. Except for
10 the buildings in the town -- in the Southwest town center, nowhere
11 on the north side of Maine Avenue in the immediate area of the
12 PUD or the -- or rest of residential Southwest are there buildings
13 of height and density comparable to The Wharf.

14 To provide some visuals on the parcel, just so we can
15 sort of see it in its own context, what's proposed in this PUD
16 at the corner of Maine and 9th is currently a four-story building.
17 You've seen it in the pictures. Next to it is open space and
18 several -- and the playing fields of Thomas Jefferson. And at
19 the other corner on 7th and Maine, another fourth -- four-story
20 building, and that whole block makes a low-rise open space area
21 for the entire block. Across 7th Street is Riverside Baptist
22 Church, then a cluster of two-story townhouses between the church
23 and Arena Stage. And on the east side of 7th Street, across from
24 Jefferson, is 707 -- a 7th Street condominium less than 100 feet
25 high. So this is completely out of that palette of this south

1 side of Maine Avenue -- the north side of Maine Avenue.

2 Most important is that our Small Area Plan recognizes
3 the intention -- intentional variations of height and density,
4 high and low built area and open spaces, so the townhouses are
5 nestled to mixed -- midrise and eight to nine-story apartment
6 houses and surrounded and interspersed by green and common space.

7 A second central tenant of the Small Area Plan is
8 maintaining Southwest's extraordinary demographic diversity,
9 among the most successfully -- successful socially and
10 economically diverse communities in the District. Southwest has
11 already achieved what the Zoning Commission's racial equity
12 analysis is attempting to achieve in all of its zoning actions.
13 That's a big point. Visible testament to Southwest's demographic
14 diversity and strikingly successful social integration of the
15 uses of the Duck Pond and Lansburgh Park and Jefferson playing
16 fields and the Farmer's Market and the Channel promenade and our
17 many religious congregations.

18 To Southwest, diversity is not just a numbers count,
19 but active social integration in our amenities and neighborhood
20 institutions. We function that way. We don't just count the
21 numbers; we function that way.

22 Many of the critics of ANC's -- ANC 6D's opposition to
23 this PUD have cited the need for more affordable housing, that
24 any new housing with some component of below market rate must be
25 supported. This misses a crucial point. As density increases,

1 a new building of nearly 500 units with only a minimum of
2 affordable units would reduce the number of low- and moderate-
3 income families to a mere sliver of the whole. It keeps going
4 down. That's a kick in the shins for social diversity.

5 There's no shortage of market rate housing in
6 Southwest. In fact, vacancy rates and new developments seem to
7 reiterate the need for more below market rate, not market rate
8 housing. So rather than redressing the severe shortage of
9 affordable housing in the District, a development of this size
10 with an extreme disproportion of affordable to market rate units
11 would intensify the polarization between low and high income
12 strata with not much in the middle, a threat to future economic
13 diversity and continued social integration and a threat to the
14 stated goals of both the Southwest Small Area Plan and the Zoning
15 Commission.

16 The challenge for Southwest is to protect what
17 affordable housing we have. And as density increases in new
18 developments, ensure that that new development continues to
19 reflect demographic diversity that we've memorialized in the plan
20 and that the community cherishes. Once density and height limits
21 are ignored, everything: mixed height, mixed income, mixed
22 demographics is up for grabs.

23 Southwest in fact, has a large number of rent
24 controlled apartments and buildings constructed before 1975.
25 Other low income and public housing units and new buildings built

1 under PUD agreements that include significantly higher than
2 required numbers of below market rate units.

3 Moderate income housing is scattered throughout
4 Southwest, if risk -- at risk if height limits are eased to permit
5 denser development. As an example, the Waterside Townhouses that
6 back directly onto Maine Avenue and with their eight-story
7 buildings in the same complex, sit on very valuable land and open
8 space between Arena Stage and the Riverside Baptist Church. They
9 house a range of tenants in rent-controlled units and are easy
10 picking if height limits are eased.

11 The five-story low-rise apartment complex that we --
12 the so-called Commons, are mixed in amongst the individually-
13 owned rowhouses between G and I as -- and 4th and 6th. They're
14 home to lower and moderate-income renters; they may also be at
15 risk. Surely the iconic palette of low and high townhouses and
16 apartments built in greenspace is at risk. Even the District-
17 owned storage building that sits at the corner of the Jefferson
18 playing field is potential fodder for another high rise above the
19 parameters of Southwest current height limit. ANC 6D considers
20 this not a hypothetical, but a realistic outcome of disregarding
21 the height limitations imposed on current developments --
22 Southwest development.

23 Let me turn to traffic issues. The Applicant's
24 proposed design will exacerbate traffic problems that already
25 exists at the intersection of 9th and G, at the north corner of

1 the project, one of the most dangerous sections in southwest.
2 Traffic coming southbound through 9th Street, eastbound from the
3 exit off I-395 and local and eastbound traffic on 9th Street all
4 converge at that intersection. ANC regards it as completely
5 irresponsible to approve any PUD that doesn't address the
6 intersection, specifically and adequately.

7 Currently, these streams are controlled by two stop
8 signs: one at the end of 395 and the second at the intersection
9 of 9th and G. Our Commission and the residents of townhouses
10 along 9th and G have repeatedly voiced their concerns to DDOT.
11 DDOT hasn't acted or indicated that when it would act to alter
12 the intersection substantially. We've talked about that a lot
13 back and forth this evening. Although the Applicant shares the
14 ANC's concerns, and its proposed modifications along N Street in
15 front of the building, the Applicant offers no alternative
16 solutions to the intersection. And despite the obviously --
17 obvious increased pressure that will be brought by traffic
18 generated by the proposed Building on this already dangerous
19 intersection, they have in fact, refused to undertake a
20 leadership role with financial equipment -- commitment to secure
21 DDOT's installation of a stoplight. I noted earlier in my -- and
22 I didn't say it -- that Mr. Schiesel said that there's going to
23 be an increase of almost 700 cars a day. That's not trivial.
24 That's enormous. And this is the building that's created.

25 There's also currently only a four-story building with

1 no -- at this site with no retail space on the site; a building
2 with nearly 500 units, several proposed commercial venues
3 including grocer will create a substantial increase in traffic
4 from private vehicles, large trucks delivering groceries, moving
5 tenants in and out, and the smaller vehicles delivering now a
6 constant stream of Uber, Uber Eats and all those kinds of personal
7 services. All those vehicles are now going to empty onto narrow
8 G Street facing the Capitol Square townhouses.

9 The traffic studies that the Applicant has included are
10 not sufficient. They measure traditional rush hour traffic when
11 the majority of commuters have still not returned to offices, and
12 they may be entirely different when new post pandemic work
13 patterns set in. And they ignore the inadequacy of the stop
14 signs that control current traffic, let alone the additional
15 traffic that will flow from a bigger, higher, and larger, mixed-
16 use building. Most important, they failed to account for the
17 traffic flows at the intersection and on G Street when there are
18 events -- this is a big one -- when there are events at The Wharf
19 or game days at NATs and Audi Stadium.

20 For those who don't live in Southwest, it is difficult
21 to appreciate what extended gridlock really looks like when
22 traffic events for one or more of our entertainment venues are
23 not properly managed as they very frequently are.

24 Then there's the issue of the curb cuts which we've
25 been talking a lot about. The new alley will require two new

1 curb cuts: one on Maine and one on G Street to be moved farther
2 west and closer to the intersection.

3 Commissioner Lightman testified at the DDOT Public
4 Space Committee on May 5th to share our support for the movement
5 of the of the Maine Avenue curb cut, but if and only if it
6 includes moving the existing cut on G Street close to the
7 intersection. This is why I've been pressing with all of my
8 questions to understand whether they've said that's actually
9 going to happen or there's -- or we have to worry about it some
10 more.

11 As she explained, not moving the curb cut westward, as
12 we were hoping for, will exacerbate an already untenable traffic
13 situation affecting the 90 townhouses.

14 The current curb cut allows cars to enter the private
15 streets of the townhouse community off 7th, speed through the
16 small and unprotected roads in their community to exit opposite
17 the entry of the current structure's garage, which is now used
18 by patrons of The Wharf. It's not just a nuisance. Cars
19 barreling through the townhouse community threaten the lives of
20 residents, of pedestrians and children playing around the
21 townhouses. The community has employed numerous tactics to
22 discourage the use of their private streets, but none have fixed
23 the problem.

24 The Applicant is not going to apparently allow public
25 parking in the new building except for patrons of a new grocery

1 store in the large ground floor retail space. But as we've seen
2 with other public parking dedicated to retail operation and
3 discounted for a limited time -- we see this always in our Safeway
4 lot -- those spaces are inevitably used by other patrons, and
5 would be a particular lure when compared to high-priced and
6 limited parking at The Wharf. So the problem could continue,
7 although at a lower volume. Moving the curb cut would alleviate
8 the problem, but it will create another problem. The exit on G
9 Street will be used by all of the traffic exiting the building's
10 garage or using the alleys for deliveries, including large
11 trucks, especially if the grocery store comes to fruition.
12 G Street is not wide enough for large grocery delivery trucks to
13 make the necessary turn in an already overburdened Street. And
14 apparently, as just been questioned -- as the other witnesses
15 just questioned the Applicant, they will lose -- the only thing
16 that they can do is lose parking space on that street to
17 accommodate that turn.

18 Finally, the new alley and the curb cut on Maine Avenue
19 may create an escape route going north when an event at The Wharf
20 creates congestion or gridlock on Maine Avenue. So even if the
21 garage is ostensibly not mostly for public use, some number of
22 poachers will continue to use the garage for visiting The Wharf,
23 but others may use the new alley to escape Maine Avenue gridlock,
24 creating additional traffic.

25 Our last point in the ANC concerns the lack of community

1 benefits. We've concluded as a Commission that the proposed
2 project offers no public benefits that warrant an extraordinary
3 exception to the Small Area Plan. It could proffer a grocery
4 store as suggested, but only at a price point that would serve a
5 broad section of our community and provide a meaningful
6 alternative to our one grocer on 4th Street, and only if it didn't
7 create delivery issues that added to the traffic -- to the
8 challenges that I've noted. What we've heard doesn't meet these
9 standards.

10 What we also -- one of the reasons that I have pressed
11 this this evening is that if we don't hear that we have -- if we
12 don't understand what either 6,000 or 12,000 feet actually gets
13 in a grocery store, we may not be getting what we really need as
14 an alternative to the one -- as an addition and an alternative
15 to our one grocery store. It could proffer -- same thing with
16 the bank -- although the bank I am -- it sounds like in the
17 testimony prior to so this one, we are being assured that we will
18 get a full-service bank.

19 It could proffer significantly more affordable housing,
20 but only if that increase didn't also come with the increase in
21 height and density that carries all the other ills just detailed.
22 And a proffer of 15 percent IZ doesn't come close to the target
23 suggested by others, including the Office of the Attorney General
24 who've studied the extreme lack of new units at affordable housing
25 prices. Another 500 rental units does nothing to address the

1 racial gap in home ownership.

2 We also understand that \$150,000, the one proffer
3 offered, seems like a lot of money for a school, which undoubtedly
4 could find ways to spend -- to augment its educational resources.
5 But it doesn't come close to what would be needed to remedy the
6 harms that might be caused by the plan as proposed. For instance,
7 the building will shadow part of the playing field of Jefferson,
8 particularly the tennis courts for most of the afterschool
9 activities that they are in use, and even the whole pot would
10 not correct that problem.

11 As ANC 6D recognizes the extreme interest that this
12 project has proposed -- has provoked, but we question why the
13 Applicant has used Nextdoor and a website to solicit support from
14 all over the District and beyond, as others have testified, but
15 not from residents of Southwest who are directly impacted. We
16 would be remiss if we didn't point out that simple numbers don't
17 tell the story honestly here. A review of the records indicates
18 that most of the letters in support arrived three days ago, only
19 after the Applicant started pushing out the website urging folks
20 to weigh in in favor of their project and after it was promoted
21 on Nextdoor.

22 Among the letters, each with an exhibit number, several
23 coming from Mount Pleasant, Corcoran Street Northwest, 15th
24 Street Northeast, New Jersey Avenue Southeast, a few from Shore,
25 Hamilton Street Northwest, 15th and H Northeast, upper Ward 4,

1 Crittenden Street Northwest, Capitol Riverfront, Capitol Hill and
2 even as somebody else has pointed out, Alexandria, Virginia.
3 These are not exactly the folks who would be regularly concerned
4 about what would be to them an obscure a project at the far
5 reaches of Southwest. What compelled them to tell their stories
6 in precisely the same language -- who knew?

7 The most egregious letter of support is Exhibit number
8 83. It's from a respondent named Beep Boop at the given address,
9 800 9th Street Southwest, the very same spot where the Applicant
10 is constructing this project. If you have any questions about
11 this, call the telephone number attached to that entry,
12 202-555-1212, which is Verizon information.

13 ANC 6D would like some information too; exactly who
14 ginned up this disinformation campaign? As someone suggested,
15 not totally facetiously, Roger Stone? The opponents are
16 Southwesterners on the other hand, who live immediately next to the
17 site or in the Southwest community. They care passionately about
18 their community, and about preserving and bettering what makes
19 this community unique. We support the notion that any District
20 resident has a right to weigh in on any zoning matter. That
21 said, we urge the Commission not to grant them equal consequence,
22 because numbers don't tell the whole story. ANC is more than
23 disappointed in the tactics of the applicants in this regard.

24 In sum, ANC 6D has not much here to celebrate, and very
25 much to generate concern, great concern. Our Commission

1 understands that we and the Applicant are very far apart, and
2 they are intending to go national in their development plans, and
3 that's terrific, and we wish them great luck with that. But they
4 need to do the right thing by their own citizens first, before
5 they convince others to buy the model. And we importantly, look
6 forward to continuing to work to improve this submission. Thanks
7 for your Consideration. And I look forward to questions.

8 CHAIRPERSON HOOD: Okay. Thank you,
9 Commissioner Kramer. That was quite a bit. I will tell you that
10 what I've noticed about --

11 COMMISSIONER KRAMER: Sorry.

12 CHAIRPERSON HOOD: -- 6D is that you all really give a
13 lot of information. And I would appreciate it if we could just
14 get right -- and even in the submissions, and I appreciate all
15 the work you all do. You all have done an excellent job over
16 the years with all the development. But we knew this was coming.
17 I've been here 24 years, and some of the -- your predecessors
18 -- we were excited. I mean, when I say "we," the City was excited
19 about redoing Southwest. And it may have taken off to a point,
20 and now we need to slow down. But we were really pushing fast.

21 And a lot of the commissioners who worked on this, I
22 still remember some have gone on to glory. But I can just say
23 that a lot of people worked hard to get to where we are, but it
24 took off. I remember telling Andy Altman, our former planning
25 director, that he -- we did a walkthrough down in Southwest, and

1 he was telling me all the things that was planned. I said I'll
2 be dead and gone before this stuff is (indiscernible). But guess
3 what? I'm still here. And it took off fast. And now the support
4 that comes in from ANCs has now went from supportive, concern
5 slowing up, to now opposition.

6 So, you know, and I hear this across the city.
7 Sometimes we ask for stuff, and then we get ourselves in
8 something, and we got to try to -- okay, this is not exactly what
9 we planned. Even here on the Commission, this is not exactly
10 what the outcome should have been. But what I would ask for 6D,
11 and that's a lot of stuff.

12 And I would -- I have to -- when I read your
13 submissions, I have to kind of find out exactly what your
14 recommendation is. If we can get -- kind of get right to the
15 point. I think I saw it. You did well for me on the first --
16 is it the first page? Yeah. Yeah, like what you just -- you
17 said, "In summary." And that was very helpful. And I appreciate
18 all the work. And I'm trying to say it was also -- because I
19 want to get to the points. To the points of what you're -- what
20 the issue is and what you're recommending. That will be very
21 helpful to me, because we have to read a whole lot.

22 And the other thing I will say is, they can put all the
23 stuff in the record that they want, but from my standpoint, and
24 I've always said this, everybody -- you're right -- everybody can
25 weigh in. But if I put my address in the record, and I live way

1 over here, we balance that. This Commission is -- this ain't our
2 first rodeo. We're not going to, you know, if somebody lives --
3 we've had people who -- that had nothing to do with things, and
4 they live in other areas of the country -- not the city, but the
5 country, and we balanced that. Because the people who are most
6 affected, most impacted, are Commissioner Kramer, you and your
7 Commission, Ron Collins, and all -- you all are the ones most
8 impacted. So I just wanted to put that out there.

9 So what I'm trying to do now with all that being said
10 is find out, first of all, is there opportunity -- I always
11 believe in collaboration and continuing to work, and that's what
12 I'm going to recommend. Not that we're going to get everything
13 we want. But I think that we need to specifically try to push
14 for what we need for our community, because the developers are
15 going to develop, and they'll probably be over in my
16 neighborhood -- well, in another neighborhood at some point doing
17 something else, which is fine. But we're always supposed to look
18 at the need of the community.

19 So for me, if we can streamline, and if these are just
20 the issues that's on page two of your report, one through five,
21 in summary, then let that be the issues. But -- and then also
22 what I would like to see in future presentations, those are the
23 issues, and here's exactly, exactly what we believe the
24 recommendation is. I can work with that. Because I have to,
25 you know, I have no problems, but I have to read through, as ANC

1 6D has recently testified and is on the Comprehensive Plan,
2 augmented by the community Small Area Plan. So I want to know
3 what exactly -- get me straight to the point. That's all I'm
4 asking. But I want you to know that the work you all do is
5 greatly appreciated.

6 And the only other question I would have is, is there
7 still room for engagement? You might not -- we might not get
8 everything, but is there still room for continued discussion and
9 to try to come closer together?

10 COMMISSIONER KRAMER: I -- can I respond?

11 CHAIRPERSON HOOD: Yes. Yes.

12 COMMISSIONER KRAMER: So I appreciate the admonition
13 for get to the point. I'm trained as an academic, so that's
14 always a problem. But I'm happy to be retrained even at my old
15 age.

16 The point is the ANC and the community care desperately
17 about what we consider is iconic social diversity in Southwest.
18 And so, we want to wait a way to preserve that. We also want --
19 we do not want to raise the height and density of a building,
20 which then threatens other parcels and other low and moderate
21 income and rent-controlled building in the rest of Southwest, but
22 especially on Maine Avenue. So that's our problem with that and
23 our problem with the big building. People can say different
24 things about who likes the building and who doesn't and what kind
25 of materiality it is -- it has that's good or not. But the bottom

1 line is we are seeing that the height and density as proposed
2 puts at risk other parcels of the -- and other -- and our other
3 ways of preserving moderate income housing. And we don't want
4 canyons, of course, on Maine Avenue. We want to respect that.

5 The last thing is we want to ameliorate something that
6 we consider to be an extremely critical traffic problem. So it's
7 a combination of all the things we talked about. It's a
8 combination of dealing with the -- this dangerous intersection
9 at the north end. It's a problem of dealing with traffic flows
10 that will -- that are constantly being pressed to their limits
11 with real gridlock. When people call me and say I was in my --
12 sitting in my car for 45 minutes. I couldn't get home, because
13 there were two games or an event at The Wharf, I can't -- we
14 can't deal with that.

15 So those are the things that we need to do. We can
16 and hope to get back to working and discussing with this Applicant
17 a way to deal with that. But the way it's proposed now, we have
18 to frame our problems the way we did.

19 CHAIRPERSON HOOD: Thank you, Mr. Kramer. And let me
20 just go back to what I was saying about sound bites. It's not
21 necessary for you to --

22 COMMISSIONER KRAMER: Okay.

23 CHAIRPERSON HOOD: The sound bites are for me, because
24 I (indiscernible) my colleagues -- at least for me. Because I
25 can tell you, today we're doing this, next week we'll be doing

1 something else. So I want to make sure that I captured things
2 easily for me. It has nothing to do with you. It's all about
3 me understanding exactly what your specific issues are.

4 COMMISSIONER KRAMER: Oh, that's the best criticism I
5 got. So I'll make you sound bites. I'll make it -- I'll reframe
6 everything -- not tonight, but I'll reframe everything in sound
7 bites.

8 CHAIRPERSON HOOD: That helps me.

9 COMMISSIONER KRAMER: -- then you take away. Then you
10 can take away. It will be my challenge and my pleasure. Thank
11 you.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 Let's see if we have any other -- further questions or
14 comments.

15 Commissioner May?

16 COMMISSIONER MAY: Yeah. So I'm struggling a bit with
17 Commissioner Kramer's testimony, because it, you know, the
18 Chairman was asking, you know, is there still room to discuss and
19 come to some agreement, and your first concern or your first
20 response seemed to be about the building's height and density.
21 And so, I -- it makes it sound like there really isn't any room
22 to negotiate, unless they were to reduce the size of the building.
23 And I don't think that's actually on the table from the Applicant
24 at this point. I don't think that they're, you know, in these
25 discussions. They -- what they've done is they've moved density

1 around so that it's less problematic for the neighbors to the
2 north. But I don't think they are, you know, that reducing the
3 size of the building is in the cards based on, you know, what
4 we've seen so far from the Applicant. I mean, do you think that
5 it can stay at this density and still, you can come to some
6 agreement, if they're, you know, if they dealt with the, you
7 know, the G Street -- the 9th and G intersection or something
8 like that?

9 COMMISSIONER KRAMER: Well, I don't have the answer to
10 that. I don't know the answer to that until we sit back -- sit
11 down at the table again, clearly. But I do think that you're
12 dealing with similar problems in the building at the other side
13 of Maine Avenue. And I do think both impact what we have been
14 talking about, about putting all these other parcels at risk,
15 particularly, I mean, the poster child of this is the townhouses
16 next door to Arena Stage. So I think that has to be addressed
17 in some way by the Zoning Commission. And I think that the -- I
18 mean, you're the final arbiters. We're just advisors.

19 COMMISSIONER MAY: Right. But I mean, again, you know,
20 the Chairman is trying to see if there's a way to get to agreement
21 with the ANC. And it sounds like at this level of density, there
22 just can't be an agreement. You're not going to, because you're
23 concerned about impacts to other properties. Do I understand
24 that correctly?

25 COMMISSIONER KRAMER: I don't know how to respond to

1 that. I don't know until we sit down at the table. If what --
2 if the question is nothing can be done, we have our position,
3 and we -- that's where we are. If we sit down again and say --
4 or if the Zoning Commission says they are -- we have been somewhat
5 persuasive in the fact that we do put other parcels and future
6 development at risk, future development that would follow the
7 tenets of the Plan, as it is, then the Applicant has to respond
8 in some way.

9 I mean, I, you know, I -- it's really a Zoning
10 Commission question. It's not a question that I can figure out
11 how to answer, other than to say --

12 COMMISSIONER MAY: Now, wait, I mean you're basically
13 saying --

14 COMMISSIONER KRAMER: Yeah.

15 COMMISSIONER MAY: -- we're going to have to put
16 pressure on them to reduce the size of the building if you're
17 going to -- in order to get you on board.

18 COMMISSIONER KRAMER: What you're going to have to be
19 persuaded that what we've offered is a set of serious concerns.
20 We can put the traffic off the table for the moment, because
21 you've, you know, we all agree there's a real problem. And you'll
22 have to be the -- again, you'll have to be the final deciders on
23 whether it's -- whether the mitigation strategies that they have
24 are sufficient to not worry about them -- not worry about the
25 problem.

1 But the question of whether we have appropriate --
2 whether this plan has reached an appropriate level of income
3 diversity, social diversity that honors the community -- this
4 community profile, I don't know. Again, it's -- until I sit down
5 at the table with our side and their side.

6 COMMISSIONER MAY: Yeah, I think I have my answer.
7 Thank you.

8 CHAIRPERSON HOOD: Commissioner May, you finished?

9 COMMISSIONER MAY: Yes. Thank you.

10 CHAIRPERSON HOOD: Oh, okay. All right.

11 Commissioner Imamura, any questions or comments?

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Just
13 a couple comments.

14 Commissioner Kramer, your testimony is always well
15 rehearsed and reflects a lot of work and written probably with a
16 stream of consciousness. Thank you for the effort that you put
17 into it.

18 I do just want to remind everybody that Ms. Blondin, I
19 think, made a pretty important comment in terms of traffic, that
20 this particular project, I think everybody is aware, that traffic
21 is certainly a critical and important issue in that area, but
22 that this project is not going to solve the traffic issues for
23 the entire community. So it's just something that I think it's
24 important to be mindful about that. And I think, Commissioner May
25 and his question, I think, brings up a fair point. So I will

1 | yield the rest of my time. And look forward to hearing Vice
2 | Chair Miller's comments and questions.

3 | CHAIRPERSON HOOD: There you are.

4 | Vice Chair Miller?

5 | VICE CHAIR MILLER: Thank you, Mr. Chairman.

6 | You're probably the only one, Commissioner Imamura, who
7 | looks forward to my comments.

8 | But I thank Commissioner Kramer for your very
9 | thoughtful, thorough comments. Since you just brought it up a
10 | few times, you wanted to understand what the size of a 6,000
11 | square foot grocery store is. So I went to all of our best
12 | friend, Google, just to see, because I don't know you either when
13 | I go into all these stores. So your Safeway, D.C. apparently,
14 | according to our best friend, Google, is 60,000 square feet, if
15 | you can believe that.

16 | COMMISSIONER KRAMER: What is it? What is it?

17 | VICE CHAIR MILLER: Sixty thousand. Ten times --

18 | COMMISSIONER KRAMER: Sixty thousand, right.

19 | VICE CHAIR MILLER: -- the size of what --

20 | COMMISSIONER KRAMER: Right. Right.

21 | VICE CHAIR MILLER: -- minimum would be proffered here
22 | in this case.

23 | COMMISSIONER KRAMER: Right.

24 | VICE CHAIR MILLER: The Wegmans that just opened up in
25 | my neck of the woods, and I think is one of the largest grocery

1 stores in the city, is 84,000 square feet, compared to the Whole
2 Foods that are on either side of it in Glover Park and Tenleytown,
3 which are 24,000 square feet. The Yes! -- all these ridiculously
4 large volume of grocery stores up in the upper Northwest -- the
5 Yes! down in Cleveland Park is at 8,500 square feet. So that's
6 probably in the range of selling space. And the Magruder's up
7 in Chevy Chase, DC -- I don't know if you've been to any of these
8 places, but you might have -- is 6,000 square feet.

9 The Waghsal's, which is probably not the price point
10 you're looking for, in Spring Valley and in Foxhall is 4,000
11 square feet. I mean, you can get a lot of choices in the smaller
12 range, you might not get the price point you want. But I think
13 if you get more stores, you get more competition, which I think
14 will help the price point. By anyway, that -- just on that point,
15 I just wanted to illuminate you and myself on what all these
16 square footages amount to, so.

17 COMMISSIONER KRAMER: You should ask what Rodman's is,
18 where the narrow the -- just one floor of the Rodman's.

19 VICE CHAIR MILLER: Right. We'll Google that later.

20 COMMISSIONER KRAMER: Yeah. Okay, good.

21 VICE CHAIR MILLER: That's pretty spacious, so I assume
22 that's getting up there. But anyway, right. Thank you.

23 CHAIRPERSON HOOD: Okay. Let's see if we have any
24 other questions. Not seeing any. Going on. Let's go to the
25 Applicant.

1 Does the Applicant have any cross of Ms. Kramer,
2 Commissioner Kramer?

3 COMMISSIONER KRAMER: We don't.

4 CHAIRPERSON HOOD: Okay.

5 And Ms. Berg, from -- do you have any cross of
6 Ms. Kramer?

7 MS. BERG: No, we don't.

8 CHAIRPERSON HOOD: Okay.

9 COMMISSIONER KRAMER: Can I --

10 CHAIRPERSON HOOD: All right. Thank you.

11 Yes?

12 COMMISSIONER KRAMER: Can I add one more thing, because
13 it's really Commissioner May's question is, you know, what do we
14 do, or, you know, you're just, you know, you're just stuck where
15 you are, you're going to be stuck where you are. I mean I think
16 this is sort of a challenge for the Commission. They're -- the
17 Applicant is asking for a PUD, and they're asking for a -- so
18 the floor is open in that sense. And they're asking for a PUD,
19 which has to be based on substantial community benefits. And now
20 to add to that, or to be part of that is what the Zoning Commission
21 is properly concerned with, which is racial equity.

22 And so, it seems to me we have to demonstrate, rather
23 than me figuring out and responding to you immediately off the
24 top of my head about saying whether -- asking whether we have
25 room to move, the question is have they -- is there room for this

1 whole project to move to respond properly to what a PUD demands
2 of -- demands of the -- what the decision demands from a PUD?
3 And that's the way I'd answer it. Our commission, I can assure
4 you, is ready to sit down at the table again and sort of
5 understand what parameters are movable. But it needs -- the
6 context in which this happens is where -- is whether this decision
7 for development is going to be -- is going to respect the demands
8 of a PUD. I think that's the way I would answer it.

9 COMMISSIONER MAY: I appreciate the additional answer.
10 I think the challenge is that the density that's being proposed
11 here is consistent with the Comprehensive Plan, the FLUM, you
12 know, that designation. And this is not as aggressive as they
13 might have been, in order to develop the property. So this is --
14 that's why it's kind of hard, because it's, you know, counsel has
15 already weighed in and said, yeah, a certain level of density is
16 acceptable, you know. And then we have to deal with all the
17 other guidance and all the other concerns that we have.

18 But that's what I struggle with is that this is not
19 outside the realm of possibility. And in another circumstance,
20 this might have been a map amendment, in which case we wouldn't
21 get any of the potential benefits that come with a PUD. So I
22 think that's what I'm struggling with. So anyway, that's it.
23 Thank you.

24 CHAIRPERSON HOOD: Okay.

25 So I also think, Ms. Kramer --

1 COMMISSIONER KRAMER: Yes.

2 CHAIRPERSON HOOD: I believe there is room. That's why
3 I'm really pushing it, because as Commissioner May alluded to,
4 and what you were saying, we have to go by the Comp -- by the
5 regulations, and it basically is a fit. So it's better for you
6 and the community to work together to try to, even if you don't
7 get any lesser density, or you're -- or the height remains the
8 same, there are other things that you can come close on or put
9 mitigation factors in place to help you. Because we can decide
10 it, but the people who are going to be impacted are the people
11 who live right close around there. Because I can avoid it, which
12 I do, especially when it comes to a lot of traffic. And so, I
13 try to avoid it, and I'm sure others do that as well.

14 And here's the other thing. The problem with traffic
15 over there, especially with the pictures that were in the
16 submission that we'll probably be talking about shortly, that
17 goes on even now. And it's been going on for a while. So it's
18 a bigger problem than just this project. So that's why I'm trying
19 to kind of push it back to you all, Commissioner Kramer, because
20 you all are the ones who are going to endure whatever's done
21 there.

22 And but, you know, we got to go by the rules, this
23 and -- and some rules, I'll be frank, some of them might help,
24 right, and some of them I don't even agree with. But it's a
25 compromise among my colleagues to try to balance it. So I really

1 hope you all could come closer together. So that's where I'm
2 going to push, and let's see what happens.

3 So who all do we get?

4 Thank you, Commissioner Kramer.

5 Let's go. The Applicant said no.

6 Ms. Berg, you didn't have any cross, did you, or did I
7 do that already?

8 MS. BERG: Not for the ANC. No, thank you.

9 CHAIRPERSON HOOD: Okay.

10 Okay, so I think we're good.

11 Let's go now, Ms. Schellin, I think we go to the
12 party -- do we have a party in support?

13 MS. SCHELLIN: We do not, so we're going to go to the
14 individuals in support.

15 CHAIRPERSON HOOD: Okay.

16 And Ms. Berg, we'll be coming back to you shortly. Am
17 I pronouncing your name -- your last name right?

18 MS. BERG: You are. Thank you.

19 CHAIRPERSON HOOD: Oh, okay. I finally got one thing
20 right. So you all take that down and remember for when I mess
21 up the next couple of times.

22 All right. Ms. Schellin, could you help me with the
23 list of support?

24 MS. SCHELLIN: Yes. I will go down the list very
25 quickly and find that, Matthew Bell. I don't know if he's

1 actually going to testify or not. He might have -- he might be
2 part of the Applicant's team.

3 COMMISSIONER MAY: Yes. He's party of --

4 MS. SCHELLIN: He is part of part of -- I'm sorry.

5 CHAIRPERSON HOOD: Yeah, he was with -- he better be
6 in support.

7 COMMISSIONER MAY: Yeah.

8 CHAIRPERSON HOOD: Okay.

9 MS. SCHELLIN: Okay. He's part of the Applicant's
10 team.

11 So in that case, we have none in support. Actually,
12 Ivan Fishburg, he is here to testify, I believe, from one of the
13 schools. I think he's in support.

14 CHAIRPERSON HOOD: Okay. He's up.

15 MS. SCHELLIN: Can we just bring him up just to see?

16 CHAIRPERSON HOOD: Yeah, he's up. There he is.

17 Mr. Fishburg, you can go right ahead. And first of
18 all, let us know if you're in support, opposition, or undeclared.
19 And if you're in support, you can go right ahead. If it's one
20 of the others, then we'll come back to you.

21 MS. FISHBURG: All right. Thank you. My name is
22 Ivan Fishburg. I'm the secretary of the Jefferson Middle School
23 Parent Teacher Organization, and we have submitted a letter to
24 the Commission in support of the development.

25 Chairman Hood and Commissioner May, it's good to be

1 before you again. It was a long time. I'm having PUD flashbacks
2 as I sit here and throughout this process, to be honest.

3 COMMISSIONER MAY: Yeah.

4 MR. FISHBURG: But as I said, we've offered our support
5 for the building here. A little context. Obviously, Jefferson
6 Academy sits really at the intersection of the high-density
7 residential communities, a very high-end mixed use developments
8 that are going in. We have another PUD that's in process on the
9 other border of the school. And we're in the middle of all of
10 the traffic that you all have been discussing. But since its
11 beginning in 1939, this historic building has been a school, and
12 it's been in many ways the center of the Southwest community.
13 And we -- we've gone through our own modernization and renovation
14 in the last few years, courtesy of the City and are kind of
15 attempting to kind of grow along with the neighborhood.

16 So with all of this in mind, and a clear understanding
17 of the impacts of development that it can have on sort of the
18 daily operations of the school and the educational experience of
19 the -- of our students, the PTO has taken seriously our interest
20 in, you know, mitigating the impacts that we can. The, you know,
21 we are centrally focused on a construction management agreement.
22 This, you know, over the next few years, or however long in fact,
23 these two developments take, noise, dust and any number of issues
24 act, you know, have a real impact on the experience in and around
25 the school for our students.

1 And so, a part of what we've agreed to with the
2 applicant here is agreement, mutually agreed to on a
3 comprehensive construction management agreement. And the way we
4 are asking the Commission to handle is that it would be a
5 condition and required prior to construction permits being
6 issued. We don't have a construction management agreement in
7 hand, but we think, and we want to retain some leverage to be
8 able to get to an agreement on that before construction starts.
9 And we have been very pleased with the Applicant's sort of
10 willingness and understanding of the issues and agreement to
11 address that all through a construction management agreement.

12 And additionally, we -- in addition, we have an
13 agreement from the applicant to support \$150,000 worth of
14 contribution to the PTO to help fund field experiences in
15 curricula support for the students at Jefferson Academy,
16 particularly on the field experiences we don't have -- we were a
17 Title I school. We don't have a lot of opportunity to take kids
18 off campus without some financial support or putting burden on
19 many of the families. And so, you know, especially during
20 construction or key periods, we want to be able to take folks
21 off campus.

22 The final piece, which is we don't imagine being in any
23 kind of zoning order, but we have a -- the developer, the
24 Applicant has signaled a mutual interest is the Department of
25 General Services building that sits in between the school and the

1 Department of Parks and Rec playing fields. It's a storage
2 facility, mostly used for snow equipment, so it is highly
3 inappropriate to be in the front yard of a school. You have
4 heavy equipment coming in and out. I -- and so -- but DGS has
5 been very reluctant to ever discuss doing anything with that,
6 despite Council efforts. And so, we think with developer support,
7 community support, the school and Councilmember Charles Allen,
8 we have a better chance of taking that facility and turning it
9 into something that can really be an amenity and a benefit for
10 the community. So with that, happy to answer any questions. And
11 I appreciate your service and your work in picking on this case
12 and all the others that you do.

13 CHAIRPERSON HOOD: Thank you very much for your
14 testimony, Mr. Fishburg. And I'm going to have to remember that.
15 I won't use it tonight, but one of these other hearings, I'm
16 going to say PUD flashbacks. So thank you. Let's see if we have
17 any questions or comments for you.

18 Commissioner May?

19 COMMISSINOER MAY: Oh, my God. We have flashbacks all
20 the time. Yeah, I remember Commissioner Fishburg when you were
21 before us, for that PUD down the street from me. But I don't
22 have any questions for you. I appreciate your testimony and your
23 approach to the -- this project. Thank you.

24 MR. FISHBURG: Thank you.

25 CHAIRPERSON HOOD: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
2 comments.

3 Mr. Fishburg, thank you for adding "PUD flashback" to
4 my vocabulary, so thank you.

5 CHAIRPERSON HOOD: And Vice Chair Miller?

6 VICE CHAIR MILLER: No questions.

7 Thank you very much for your testimony and for your
8 work with Jefferson. Thank you.

9 MR. FISHBURG: Thank you.

10 CHAIRPERSON HOOD: Okay. Does the Applicant have any
11 questions?

12 MS. BATTIES: No questions, but I want to thank
13 Mr. Fishburg for his testimony this evening. Thank you.

14 CHAIRPERSON HOOD: And Commissioner Kramer, do you have
15 any questions?

16 COMMISSIONER KRAMER: No. Thank you.

17 Thank you for your testimony. Thanks.

18 CHAIRPERSON HOOD: Okay. Ms. Berg, do you have any
19 questions?

20 MS. BERG: No. I also thank Mr. Fishburg, as the parent
21 of a potential future Jefferson student, I appreciate you meeting
22 with the developer on this.

23 MR. FISHBURG: Okay. Thank you.

24 CHAIRPERSON HOOD: All right, Mr. Fishburg, again, we
25 all thank you, for taking the time out to come out and give us

1 that side of the story. So thank you very much.

2 MR. FISHBURG: Thank you.

3 CHAIRPERSON HOOD: All right.

4 MR. FISHBURG: Have a good night.

5 CHAIRPERSON HOOD: You too. Have a nice evening.

6 MS. Schellin, anybody else that we have?

7 MS. SCHELLIN: No one else in support.

8 So next we have the party in opposition. And they
9 are -- they do have an expert witness that they want to proffer.
10 Ms. Berg, do you want to name your expert?

11 MS. BERG: Patricia Giorno should be elevated to a
12 speaker as well as Gustavo Pinto is, you know, part of the
13 committee and is on our witness list. Corinne Carroll and
14 Gail Fast as well. But our expert witness is both a member of
15 the association and a trained architect who will be speaking in
16 an expert capacity in her testimony. Would you like her to go
17 first?

18 MS. SCHELLIN: Well, the Commissioner needs --

19 CHAIRPERSON HOOD: Yeah, we'd like to -- we need to
20 accept her as an expert.

21 MS. SCHELLIN: They need to consider.

22 CHAIRPERSON HOOD: Do we know what exhibit her -- is
23 it add -- is it with your exhibit?

24 MS. BERG: It should be with our exhibit. And she has
25 her own testimony that she's uploaded as well. I can -- I know

1 what's in that as well.

2 MS. SCHELLIN: Their exhibit was 22.

3 CHAIRPERSON HOOD: Two. Right. Okay. So it should
4 be in there. Commissioners, we have a request. It's -- oh, no.
5 Sorry.

6 COMMISSIONER MAY: Do we have a resume for the expert?
7 I wouldn't -- I didn't see that.

8 CHAIRPERSON HOOD: I don't believe so, because I looked
9 through this. I saw the articles of incorporation.

10 MS. BERG: It should be in 22, and --

11 CHAIRPERSON HOOD: Is it at the end? It must be at
12 the end.

13 MS. BERG: IT may be towards the end. We had to put
14 our bylaws and all the other stuff in there too.

15 CHAIRPERSON HOOD: Yeah, I saw that, yeah. Yeah, her
16 resume is the exact last page.

17 COMMISSIONER MAY: Oh, got it. Okay, thank you.

18 CHAIRPERSON HOOD: 3D Design and Architect. AutoCAD,
19 SketchUp. So I usually depend on Commissioner May and
20 Commissioner Imamura on these statuses.

21 COMMISSIONER MAY: Yeah.

22 So the question that we typically ask when we qualify
23 someone as an architect is whether they are licensed, and I don't
24 see indication in the resume that --

25 MS. BERG: I have a group chat. It'll either come to

1 the group chat, or she should be in some -- I don't know if it's
2 able to pull her in.

3 COMMISSIONER MAY: She's on screen. Yeah.

4 MS. BERG: Is she on screen? Okay.

5 COMMISSIONER MAY: Yeah. So can you answer that
6 question? Are you licensed?

7 MS. GIORNO: I'm not licensed in the U.S. I'm licensed
8 in Brazil.

9 COMMISSIONER MAY: Okay. All right. Well, that's
10 good enough for me. That's because that's sort of the typical
11 minimal -- minimum threshold that we look for is licensure.

12 CHAIRPERSON HOOD: License. Okay.

13 COMMISSIONER MAY: If you're if you going to be called
14 like architecture.

15 CHAIRPERSON HOOD: That's the Turnbull rule.

16 Okay. All right.

17 COMMISSIONER MAY: Yeah.

18 CHAIRPERSON HOOD: Any other questions or comments?

19 (No audible response.)

20 COMMISSIONER HOOD: All right. So unless I hear some
21 objections, we will follow Commission May's lead and
22 Commissioner Imamura, unless I hear some -- any objection.

23 Okay. So you will get expert status, Ms. Ramos.

24 MS. RAMOS: Thank you.

25 CHAIRPERSON HOOD: All right. Ms. Berg, you may begin,

1 or however you all want to set up.

2 How much time do they have again, Ms. Schellin?

3 MS. SCHELLIN: Fifty-eight minutes.

4 CHAIRPERSON HOOD: Fifty-eight minutes.

5 MS. BERG: Okay. Thank you for that. Thank you,
6 Commissioners for the opportunity to speak with you.

7 CHAIRPERSON HOOD: Excuse me. Excuse me one second.

8 Vice Chair Miller, you need to take a break?

9 VICE CHAIR MILLER: I'm sorry, Mr. Chairman. I was just
10 waving to Archie. He's going to bed.

11 CHAIRPERSON HOOD: Oh.

12 VICE CHAIR MILLER: I apologize. I should have stopped
13 my video.

14 CHAIRPERSON HOOD: Well, good night, Archie.

15 Okay. So Ms. Berg, I'm sorry, you may begin.

16 MS. BERG: I may be interrupted by a young one, too.
17 But I -- hopefully not. I can make through this a couple of
18 minutes here first, and then I'll go back off camera.

19 But as the record shows, my name is Erin Berg. I'm the
20 president of the Capitol Square Homeowners Association. I'm a
21 Southwest D.C. resident of over a decade. And I'm the parent of
22 a child who attends the Jefferson Middle School feeder
23 elementary.

24 I just want to take a minute to say that I wrote my
25 testimony prior to a lot of the discussions tonight, so I don't

1 mean to be repetitive. I'll try to cut out what I can. But I
2 just want to let you all know that I'm supported here in my role
3 tonight, not only by our board of directors, but also by a
4 committee of association members who put in many hours of personal
5 time to research and respond to this PUD, including surveying our
6 membership of all 93 townhome owners for their thoughts and
7 identifying consensus on certain proposed elements.

8 And it's also of note that a good portion of time,
9 many, many hours, have been to research the PUD process itself,
10 how to submit documents and testimony and party status. And so
11 being a novice to that process, I apologize in advance if I
12 misspeak to anything.

13 We are unusually affected because of our location. And
14 we know that many visitors to The Wharf, including those who park
15 currently in the existing 800 9th Street, speed through our
16 private roads to access The Wharf without having to deal with the
17 Maine Avenue traffic.

18 We also experience swells of foot traffic using
19 sidewalks that we pay to maintain, because we are, you know, a
20 homeowners association of townhouses, and we would expect that
21 both types of traffic would increase as residents of 899 Maine
22 travel to and from L'Enfant Plaza and other places. We mind that
23 foot traffic less. We believe in the activation of spaces. It
24 keeps it safer. It doesn't usually endanger our residents the
25 way that the car traffic does. But we have had issues with public

1 | urination, with people having property damage and theft, people
2 | coming and going from The Wharf late at night.

3 | And while we accept that living near a place like The
4 | Wharf, which we wholly supported and enjoy uniformly across our
5 | development, we know that comes with tradeoffs, such as noise,
6 | traffic, crime and the like, and we've done whatever we can to
7 | mitigate the negative impacts with our limited resources. And
8 | that includes going for party status in this process in order to
9 | make sure that our voice is heard and can be considered by the
10 | Zoning Commission in any approval.

11 | We have many concerns with the 899 Maine Avenue
12 | Project. My testimony should adopt multiple -- you've heard --
13 | you'll hear further in depth from my neighbors, or that you've
14 | seen in the case file being written submissions and letters of
15 | opposition. But in particular, we are concerned with building
16 | height, because of the Small Area Plan, and we want the
17 | conservation of the selfless character, as well as to minimize
18 | the number of people being drawn to the site due to the number
19 | of units and the density.

20 | The affordable housing component, we think 15 percent
21 | is way less than is appropriate. And we do actually oppose the
22 | concept of the retail use, because we feel that will drive more
23 | traffic and trucks to the site where there's, as you well know
24 | now, and you'll see again, that it's completely unsustainable at
25 | the moment. And we don't feel that the developer has adequately

1 addressed not only their own impact, but we do feel that if
2 they're requesting such a significant variation from the current
3 zoning, they do have some responsibility to at least work on
4 mitigation of the entire area. It just feels like that should
5 be a public benefit that we expect from them as well.

6 We've also benefited in our work, not just our
7 committee, with other parties in the neighborhood; Southwest DC
8 Action and our ANC. We adapt all of the positions that the ANC
9 has described in Exhibit 84. The Applicant's PUD violates the
10 spirit of the community residents and it's articulated by the
11 community resident in the Southwest Small Area Plan. It violates
12 the vision of Maine Avenue that is incorporated in the Small Area
13 Plan. It would deleteriously affect the social and economic
14 diversity of the community. It will create unsafe traffic
15 conditions detrimental to the community and provides no adequate
16 plan for amelioration. And then it doesn't -- we don't feel that
17 the benefits that they're offering, which admittedly, I put that
18 in there prior to learning that they did make an offer to
19 Jefferson, but we still feel that the majority of what they're
20 calling benefits don't warrant such an extraordinary exception
21 to the Small Area Plan and the current zoning.

22 Now some of the letters that you've received have
23 called us NIMBYs, and they emphasize that we in Capitol Square
24 live in a low density, high property value development, and we
25 acknowledge those characteristics. But I assure you, we do want

1 a building in our backyard and front yard for a majority of us,
2 including some of my neighbors you'll hear from today. They look
3 at it every day.

4 It's possible to live where we do and still care deeply
5 about what happens around us, including wanting that Southwest
6 Area Plan to be followed. Many of our owners decided to live in
7 their home based on documents like that. We have a lot of people
8 that are interested in urban planning in the neighborhood, and
9 they knew that this was -- the characteristics that they could
10 expect.

11 As I mentioned, we surveyed all of our members, and we
12 didn't receive anything other than a consensus to see the site
13 redeveloped, including into residential. We want the project to
14 have a measurable amount, that means beyond the minimums of
15 affordable and family size units, because we want more people who
16 will live here for a long time. If you can find a family size
17 affordable unit, you're probably going to live there for a while.
18 It's hard to find in the City. There's going to be, I think,
19 testimony to that fact, that there's very little rental, family
20 sized units. And these are people that will live in the community
21 and become invested in it the way that our owners are.

22 And we want to see the development at a minimum mitigate
23 its impact on the traffic situation. So as I heard the Chair's
24 comments, these are the things we want: lower height to keep
25 this block related to Southwest, not The Wharf, as well as to

1 reduce the number of people coming and going through our property.
2 That density is a problem. We want more affordable workforce and
3 family housing, again, to encourage long term residents. And we
4 can do the math.

5 We understand that reducing the building height and the
6 number of units means an overall reduction in the number of
7 affordable units, and that's unfortunate. But we can have two
8 beliefs that may be slightly contradictory, but that is how it
9 is. And we also want to hold developers to a precedent for future
10 projects. If they are allowed to have lower percentages of
11 affordable housing, then it will continue to be what they ask
12 for, and it will be -- continue to exacerbate the problem. And
13 we also do not want a grocery store or any kind of retail that
14 draws significant car traffic.

15 I think that the developer -- the Applicant's,
16 estimates of car traffic is, especially in the early stages when
17 it's new and exciting, is woefully inadequate. We think that
18 there needs to be more work on the intersection, including
19 adjusting the curb cuts. How many -- it's good that we're not
20 doing a drinking game on curb cuts tonight. But I think that
21 this will make it much worse having the grocery store there. I
22 think there are other retail uses that the area needs that will
23 not necessarily require a car to shop.

24 So while we knew this building would be
25 redevelopment -- redeveloped, we expected something more along

1 the lines of a true midrise residential building that has recently
2 been built, like The Banks, which is over on 7th Street, which
3 is shorter than what is proposed here. We wanted an appropriate
4 retailer or a restaurant on the ground floor. Some community
5 members threw out the idea of a Wawa, which I'm not even sure if
6 that's feasible there, but like something that people aren't
7 necessarily going to drive to, but that will fulfill a need for
8 lower cost food options down at The Wharf, so that visitors of
9 all income level can enjoy the experience of being down there but
10 not necessarily having to pay \$9 for a Shake Shack hamburger.

11 We thought that the developer would be open to changing
12 the curb cuts to help funnel visitors to the south side, not
13 include -- encourage the flow to that corner. And we also thought
14 that the Applicant would want to come and observe from our vantage
15 in their traffic study, so that residents and visitors can safely
16 come to the building without increasing their burden on our
17 private roads or the traffic situation.

18 These hopes never materialized. We got this giant
19 building, 130 feet at its actual height, 150, if you want to
20 count those penthouses. That's more than triple the current
21 zoning. That's not a variation. There's this promise of a
22 grocery store, which again, we're kind of against in concept.
23 But again, there's been no -- nothing concrete offered to show
24 that this is what actually will be there. And they're attracting
25 letters of support for their entire building based on these

1 promises that are not certain. This is probably the worst part
2 of the quadrant to put such a grocery store, so I'll stop talking
3 about that.

4 But again, the case file demonstrates that people from
5 quite far away from Southwest are super excited about more grocery
6 stores in the area, especially if we do a specialty retailer that
7 you can't find in other areas.

8 So to summarize our feelings again, we want to
9 equivocally state that while we do expect and want to work with
10 the developer and work with the Applicant on this building, we
11 feel that this PUD is not just a variance, it's a radically
12 massive departure. It makes assumptions and promise of things
13 that may not deliver.

14 The Applicant says that they don't think that this is
15 part of a -- The Wharf, but they want a building that will feel
16 like part of The Wharf. And it's not The Wharf. The anchor of
17 this block is not District Square, The Anthem, the Fish Market,
18 it's Jefferson Middle School Academy, which I know they are in
19 support of that. But in terms of a feel of the block, this will
20 radically depart from the Southwest feel that's here. We're not
21 compare -- compelled by their drive to profit as much as possible
22 from this development. They gamble to purchase a tiny parcel and
23 to force an enormous building on it with tenuous benefits to the
24 community is not something that we should have to bear the costs
25 of.

1 So aside from those rational considered concerns that
2 we have, I want to raise the issue of the Applicant's and their
3 counsel's conduct in this process. They cite many community
4 meetings. It's important to know that the meetings that we
5 attended, they invited us to, including the first meeting where
6 they said you probably have party status. They set the agenda,
7 they told us what they want to do, and then they were -- this --
8 the tones of their voice were dismissive and indifferent to our
9 concerns.

10 We asked for documents, such as the traffic study in
11 advance of its filing so we could provide feedback, we did not
12 receive that. We asked for plans and documents to form basis
13 for statements that they tried to tell us, such as that their
14 site was grandfathered into The Wharf, and that's why they could
15 do a map amendment instead of propose the PUD. We also have
16 asked to be party to a construction management agreement. Nothing
17 to that effect has been offered to us. I keep hearing Jefferson
18 talk about that, and I understand why they feel that that's
19 probably the most important part of that. None of that has been
20 offered to us. So we feel that this is a minimal effort that
21 they've made to engage with us to check a box. And then they've
22 refused to see what they can change in their scope.

23 This complete lack of effort to hear our concerns has
24 manifested in a couple of disappointing actions, including trying
25 to silence us by rejecting our party status application. And you

1 know, as you can see, not only is it frustrating to us, but it's
2 confusing to the zoning process. It took you a couple of minutes
3 to figure out what was happening with our party status
4 applications, because we felt like we needed to go beyond to be
5 able to be heard.

6 The latest tactic is this website that we've talked
7 about, you know, it's 899maine.com. A PDF of the website was
8 included in testimony from another Southwest resident. And now
9 we've heard that that website was only disseminated to eight
10 apartment buildings, not us, not other townhomes, and I assume
11 not residents of public housing or renters that are in our
12 townhouses. A neighbor was curious and Googled some of the
13 letters of support, which include at least two Jair Lynch
14 employees. And we also, as you've heard, a number of the
15 residents live quite far from Southwest. The site that they've
16 been soliciting these letters of support for has no content beyond
17 some pictures and these promises of unnamed grocery stores, banks
18 bike lanes, and it creates a form that auto sends the information
19 directly to your Zoning Commission email.

20 We also have members associated with us, not members
21 of our association, some tenants that created a petition that was
22 included in the case file. Over 200 people signed them. We do
23 know that there are some addresses and those that look outside
24 of the area, but it uses IP address. So even some of our residents
25 that were traveling when they signed it, it looks like they're

1 out of the area. Maybe we'll claim credit for 100 of those folks.
2 But that's a lot of people that signed that petition. In that
3 petition, it links to the Zoning Commission's website.

4 It tells you how to find all of the documents you can
5 use to make an informed decision. 899 maine.com has none of
6 that. So it makes you wonder how informed those submitters
7 actually are. And based on their comments, if you take a minute,
8 you can tell that it's folks that are just one offing, sending
9 you a comment such as "Maine Street is a mess." I don't
10 understand how that is substantive or useful to the Commission's
11 deliberation. It just feels like it probably weighs down on your
12 time taking to look at things. And also, I happened to notice
13 that the procedures that you've set for submitting letters of
14 support by email require it to be sent by the writer to
15 zcsubmissions@dc.gov. So I hate wasting your time discussing
16 this website, because I know that you will weigh the letters with
17 substantive concerns from Southwest residents more than these.

18 But it makes my point as to why if the Applicants are
19 so convinced that their project offers these benefits to the
20 community, why do they feel the need to silence the community in
21 these ways, or to cover up the opposition and the community in
22 these ways? Why must they be disingenuous to get support for
23 their project? This conduct has us concerned not only about the
24 final building that will come up, but whether they'll be
25 responsive to us during that construction period when we have

1 concerns. It'll be a long couple of years for us if they don't
2 reverse their course of ignoring us.

3 And yes, to answer the Chair's question, no matter the
4 outcome that the Commissioners' careful consideration of this PUD
5 occurs, I hope that the Applicant will take our testimony and
6 community engagement to heart and reapproach us as well as welcome
7 other community stakeholders into the process. So thank you
8 again for the opportunity to provide this testimony. I am joined
9 by Corinne Carroll and Gustavo Pinto, and possibly also Gail
10 Fast, who is with Town Square Towers, but she has also registered
11 to represent them. So maybe we can shorten it by just having
12 her go later.

13 So Corinne, are you on? Has she been admitted?

14 Hi Corinne.

15 MS. CARROLL: Great. Thank you for the opportunity
16 tonight to speak with you regarding my concerns about this
17 proposed development. I'd like to shift gears a little bit and
18 perhaps speak from more of a personal perspective.

19 My husband and I are homeowners at Capitol Square
20 Place. Our property is on that famous corner, 9th and G, within
21 200 feet of the proposed development. We chose our home as a
22 place to live in our retirement. We were seeking a vibrant,
23 walkable community that had a strong sense of history, a diverse
24 demographic, resources for us as we aged in place, and
25 opportunities for us to volunteer in service to our community,

1 | which is something we value.

2 | We might be new to the neighborhood, but we're not
3 | strangers to the District. We both lived here as kids and as
4 | young working parents. Our only child was born here, educated
5 | here and resides here with his young family. Our granddaughter
6 | attends public school here, as will her younger sister.

7 | We were very much aware that the former office building
8 | located on the proposed site for 899 Maine was subject to
9 | redevelopment, and we welcomed that. However, we researched the
10 | existing zoning regulations that governed this future development
11 | and redevelopment there and throughout Southwest, and we felt
12 | confident that the regulations in place would guide the growth
13 | and development in a sensible and constructive manner. Bottom
14 | line, we trusted in the process that was used to develop the
15 | Comprehensive Plan and the Small Area Plan.

16 | We also supported the development -- redevelopment of
17 | the Southwest Waterfront as a regional center, now known as The
18 | Wharf. We are both old enough to know what the Waterfront was
19 | like back in the day, when other than the fish markets and
20 | Hogate's with their famous rum buns, was the only reason to visit
21 | here. We understood that the PUD for The Wharf was approved as
22 | a one-time plan and was never intended to encompass the entire
23 | Southwest area, or specifically alter the zoning regulations for
24 | the neighborhoods and public school adjacent to the proposed
25 | building. It was not intended to encompass self-proclaimed

1 "Wharf-facing" or "Wharf adjacent" projects.

2 Under this special one-time plan for The Wharf, the
3 density across Maine Avenue as you transition into the adjacent
4 neighborhoods would maintain their current designation as having
5 reduced density to be more compatible with the existing
6 structures and character of Southwest. The Small Area Plan
7 specifically calls for keeping the Southwest neighborhood diverse
8 and inclusive. It further states that Southwest's most defining
9 characteristic is its people.

10 We join with our neighbors in Southwest, including the
11 more than 200 residents who signed the locally initiated
12 change.org petition that Erin mentioned, to raise our concerns
13 about the proposed development and ask that the Zoning Commission
14 support us in challenging this development in its current form.
15 We're not opposed to new development or redevelopment in
16 southwest that maintains the character of the community and
17 contributes to building a viable, inclusive, and supportive
18 community for individuals and families, as outlined in the
19 Comprehensive Plan and the Small Area Plan.

20 All of these factors that have been discussed tonight
21 that we have raised as concerns are detrimental to the quality
22 of life for the current residents of the Southwest neighborhood.
23 Adding additional high-rise buildings along Maine Avenue does not
24 create an urban gateway to the Southwest neighborhood, as the
25 applicant has suggested. Instead, this type of development will

1 further divide the community and endanger the diverse and
2 inclusive nature of the neighborhood.

3 The Applicant has indicated the proposed building will
4 house a full-service branch bank and a grocery store. Banks
5 haven't enjoyed much success in the nearby Navy Yard. I'm hoping
6 that this project will be more successful. And while a grocery
7 store might be welcomed, it's important to note that the Applicant
8 has committed a minimum of 6,000 square feet.

9 And Mr. Miller, you stole a little of my thunder with
10 all your facts and figures about the grocery stores, but I have
11 a few to add. Currently, the average Trader Joe's is about 8,500
12 square feet to 15,000 square feet. The smaller Trader Joe's
13 typically are not able to sell alcohol or another type of store
14 to sell tobacco products, given the close proximity to this middle
15 school. The new Whole Foods in Glover Park, which features the
16 "Just Walk Out" technology, measures 21,500 feet. Deliveries
17 made to this proposed store will be next to impossible due to
18 the fragmented nature of the collector and local serving streets
19 in this area.

20 Another question I might ask is, will a new grocery
21 store in any way conflict with low or no local competition
22 agreements that may be currently in place with the existing
23 grocery store in Southwest?

24 Finally, our communitywide focus on maintaining the
25 integrity and character of Southwest cannot be dismissed as some

1 loud NIMBY effort to block the evolution and growth in the area.
2 In addition to the legitimate issues that have been raised by
3 numerous community residents, we are also extremely concerned
4 about the precedent that would be set if any variances from the
5 existing zoning regulations are allowed. Every empty lot or
6 redevelopment opportunity for aging housing units, outdated
7 public facilities, and underused publicly-owned land will likely
8 seek the same type of variance to existing regulations. Random
9 zoning variances throughout Southwest will create high-rise
10 canyons along the few major streets of Southwest and exclude all
11 but the most affluent residents. I thank you again for your
12 time.

13 MS. BERG: Gustavo, are you here?

14 MR. PINTO: Yes, I am on. Can you hear me?

15 MS. BERG: Yes.

16 MR. PINTO: Okay.

17 Good evening, Chairman Hood. Good evening,
18 Commissioners and to all those watching this hearing. Thank you
19 for your time and for the opportunity to speak at this meeting.
20 I prepared a short PowerPoint presentation that I shared with the
21 Commission on Monday. Would it be possible to put it on the
22 screen?

23 MS. BERG: Gustavo, I think you can present it, or do
24 you want me to do it?

25 MR. PINTO: My content button is not working.

1 Okay. Paul is here.

2 MS. BERG: It should be a different PowerPoint
3 presentation.

4 MR. PINTO: It's a different one, Paul. It's actually
5 Exhibit 68 -- 63A1.

6 Maybe I can get -- I can get started while Paul is
7 looking for the presentation.

8 So my name is Gustavo Pinto. I live at 817 G Street
9 Southwest. I've been a resident of the Southwest waterfront area
10 since 2017. My house is located in the Capitol Square community
11 or precisely on G Street Southwest, across the street from the
12 proposed development on 899 Maine Avenue and adjacent to the
13 private driveway entrance into Capitol Square Place on G Street
14 Southwest.

15 Yeah, that's the one. Thank you, Paul.

16 I was asked to provide this testimony because of the
17 location of my house, which allows me to experience firsthand the
18 challenges brought on by the new developments in the Southwest
19 Waterfront area to the traffic on our neighborhood, particularly
20 on G Street Southwest and within our Capitol Square Place
21 community.

22 Can you turn to the next slide, please? Thank you.

23 I submitted written testimony as Exhibit 63 of the case
24 files. My testimony includes a detailed explanation of the grave
25 concerns that I and my neighbors have about the traffic impact

1 of this project, including several pictures of the traffic
2 incidents on G Street, Southwest and 9th Street to support my
3 testimony. I don't need to repeat my whole written testimony
4 here, but I would like to highlight some key points for your
5 attention if you allow me.

6 Since the conclusion of phase one of The Wharf, it has
7 become routine to have traffic on G Street Southwest not only on
8 weekends, but also during weekdays. I frequently see traffic
9 jams on G Street Southwest stretching all the way from 7th Street
10 to 9th Street, effectively blocking the whole street. These
11 traffic problems become worse when there are events at The Wharf
12 or shows at The Anthem, which as many of you know, occur almost
13 every week. We're now facing the possibility of having this
14 situation aggravated even further by the proposed development.

15 I believe this high-rise and high-density development
16 will exacerbate the already chaotic traffic situation on G Street
17 Southwest and surrounding areas. In order to better illustrate
18 the gravity of the current traffic situation in the area, I'd
19 like to show you a few pictures.

20 Next slide, please.

21 So as the saying goes, "A picture is worth a thousand
22 words." So this is what I wanted to show you. You can see here
23 the chaotic traffic situation at the intersection of G Street
24 Southwest and 9th Street, precisely where the project is located.
25 That three-story building that you see behind the trees is the

1 one that developer wants to demolish. You can also see here the
2 curb cut entrance to Capitol Square Place, which is almost
3 directly across the street from the PUD area.

4 Next slide, please.

5 This is a picture of the same intersection from another
6 day and from a different angle, where you can see Jefferson Middle
7 School in the back.

8 Next slide, please.

9 This is a picture from my living room window so that
10 you can see what I mean when I say that I have a firsthand
11 experience on the traffic issues of G Street Southwest. I am
12 sure you can imagine how delightful it is to come back home and
13 try to watch a movie or have dinner with this mess happening
14 outside your house.

15 Next slide, please.

16 This is a picture from a regular Wednesday afternoon.
17 I wanted to add it to the presentation show -- to show you that
18 the traffic issues happen not just during evenings or weekends,
19 but also during regular weekdays.

20 Next slide, please.

21 In addition to regular traffic the development is also
22 problematic because of its location which is prone to accidents,
23 as many have already mentioned. As you can see here, the area
24 envisaged for the project is located at the intersection of 9th
25 Street, G Street Southwest and the I-395 off ramp.

1 Next slide, please.

2 The I-395 off ramp is frequently used by cars having
3 mechanical issues such as overheating or flat tires. These cars
4 will often stop as soon as they enter G Street Southwest and
5 sometimes have to be towed, blocking the street and causing
6 traffic jams.

7 Next slide, please. Next slide, please.

8 Yeah, oh, I think it was split into two files. So the
9 next exhibit should have the remaining slides. Yeah, perfect.

10 Okay. So I mean, these are two other pictures of cars
11 that had flat tires or mechanical problems as they exited the
12 I-395 off ramp.

13 Oh, do you have the next pictures?

14 All right, let me continue.

15 Yes, that's the one. Thank you. Can you turn to the
16 next slide, please?

17 Okay. So having lived in the area for five years, I
18 have also witnessed several traffic accidents caused by cars
19 coming out of the tunnel on 9th Street heading down to Maine
20 Avenue, and cars exiting I-395, trying to enter G Street
21 southwest. These accidents often require blocking the entrance
22 of G Street, which quickly leads to a chaotic situation as cars
23 heading north on 9th Street Southwest have nowhere to go, causing
24 a traffic standstill.

25 Next slide, please.

1 So this is a car that was overheating and caught on
2 fire after exiting the I-395. The picture was taken from the
3 building that is currently in the PUD area. You can see my house
4 and the curb cut entrance to Capitol Square Place in the back.

5 I wanted to note that these pictures represent just a
6 limited sample from my records. For the past couple of months,
7 I was able to record several other occasions of traffic or
8 incidents on G Street Southwest and surrounding streets. I'm not
9 going to show everything, as I would probably be banned from ever
10 presenting in a Zoning Commission hearing again. But I would be
11 happy to share the full records with the Commission, including
12 more than 100 pictures and videos if you would like to see them.

13 Next slide, please.

14 Now, it is exactly in this very chaotic area that I
15 have just shown you that the developer proposes to include a curb
16 cut for the building. We believe this location is very
17 problematic since the area's already susceptible to traffic and
18 accidents. This is aggravated by the fact that the building's
19 curb on G Street Southwest will be right in and right out, whereas
20 the curb cut on Maine Avenue will be right in only and limited
21 to grocery trucks larger than 35 feet in length, meaning that all
22 the vehicles coming into the building will exit through the
23 G Street Southwest curb cut, including all these large
24 semi-trucks.

25 By adding more traffic, including from large

1 semi-trucks to an area that already experiences heavy traffic and
2 is frequently used by vehicles with mechanical problems, we risk
3 having mayhem on G Street southwest, right next to the Capitol
4 Square Place community, Jefferson Field, and Jefferson Middle
5 School.

6 Next slide. Next slide, please.

7 The location of the curb cut also raises significant
8 concerns for Capitol Square Place residents, since it is located
9 almost directly across the street from our curb cut entrance. In
10 the past, we saw employees from the U.S. Department of
11 Agriculture, which used to be situated in the building currently
12 located in the PUD site, cut through our community to access the
13 building. We are worried that the development will cause the
14 same issue and probably in greater magnitude than before, given
15 the high density of the project, supply trucks for the building
16 and grocery store tenant and delivery drivers and other service
17 providers for the building's residents.

18 The increased traffic of outside vehicles in our
19 community is cause of great concern to Capitol Square Place
20 residents, as they're often not mindful of speed limits within
21 the private driveways, posing a safety risk to residents,
22 particularly children and pets.

23 And this slide that I'm showing you, you can see how
24 vehicles going to the building or exiting the building may try
25 to cut through our community. This is not a speculation. This

1 is based on past experience. Just picture someone leaving the
2 building who needs to go to Maine Avenue. They can only do so
3 on G Street, since Maine Avenue -- the curb cut on Maine Avenue
4 is right in only. That person exits the building and finds
5 traffic on G Street Southwest. What do you think they're going
6 to do, wait patiently to go all the way around the block, sitting
7 in traffic, or just cut through Capitol Square Place and take 9th
8 Street south? I think the answer is clear.

9 The same goes for people coming off the tunnel on 9th
10 Street and facing traffic as they approach the intersection. And
11 that will be particularly the case if they install a traffic
12 signal, as they're suggesting. Do you think they're just going
13 to sit in traffic, or are they going to cut through our Capitol
14 Square Place community to access the building?

15 We have had some opportunities to interact with the
16 developer's legal and technical advisors to express our concerns.
17 They took note of our concerns and said that they would aim to
18 address them in an amendment of the PUD. However, the revised
19 PUD does not address our concerns, particularly the location of
20 the curb cut on G Street. The proposed reconfiguration of 9th
21 Street also does not address the increased traffic on G Street
22 Southwest, nor the related risks, particularly those arising from
23 vehicles experiencing mechanical issues when they exit the I-395
24 off ramp. Regrettably, our community is not mentioned even once
25 in the developers' traffic study.

1 The situation becomes even more egregious when you
2 can -- when we consider that 899 Maine Avenue will be adjacent
3 to Jefferson Middle School and Jefferson field. It is astonishing
4 that the developer plans to build this high-rise, high-density
5 building right next to a public school and a public park. Schools
6 and parks should be surrounded by open space and tranquility, not
7 buildings and constant noise from traffic jams and construction
8 trucks.

9 Now, let me finish by saying that we understand the
10 Applicant's business interest, and as residents of the D.C.
11 Waterfront area, we welcome the development of our neighborhood.
12 However, this needs to be done in a careful and planned manner.
13 Redesignating the zoning of the PUD area from MU-12 to MU-9A
14 would almost triple the current height limit for the area and
15 more than triple the density limit, in terms of floor area ratio.

16 Having such a drastic change in the zoning of the PUD
17 area, particularly in light of the upcoming inauguration of phase
18 two of the Wharf, entails significant risks and sounds borderline
19 reckless. The decision on the developer's requests will cause a
20 significant and permanent negative impact on traffic and living
21 conditions in the Southwest Waterfront area, particularly on the
22 well-being of the neighboring communities, which includes
23 Jefferson Middle School students, and Jefferson Field visitors.

24 For this reason, I respectfully request that the Zoning
25 Commission does not approve this project until the traffic and

1 all the other issues with the project are satisfactorily
2 resolved. Thank you for your time.

3 MS. BERG: Thank you, Gustavo. And then we have our
4 expert witness and neighbor, Patricia Giorno.

5 MS. GIORNO: Hi. I'll start by introducing myself. My
6 name is Patricia. I am an architect and an urban planner. I
7 have 16 years' experience in design development, construction
8 administration, and 3D designs. I'm part of the committee formed
9 by the Capitol Square Homeowners Association to assess the impact
10 of the new development in the surrounding areas. And I'll make
11 some technical comments, and I will start talking about the
12 different heights of the building.

13 So next slide, please.

14 As mentioned by Erin, they mentioned in the PUD
15 materials that the maximum height of the building will be
16 130 feet. But it is important to note that they are using
17 G Street as a measuring point, not Maine Avenue. And if the
18 building height is measured using Maine Avenue as the measuring
19 point, the height will be 140 feet, excluding penthouses. And
20 if we add the penthouses to the total height, will be more -- it
21 will be more than 160 feet on Maine Avenue Southwest, not 150.
22 It will be 160. Given the height of about 100 feet of The Wharf
23 buildings across the street, this will create a corridor or tunnel
24 effect on Maine Avenue, with high rise buildings on both sides
25 of the avenue. And we -- and with a higher building than the

1 Wharf buildings within the PUD.

2 Following the initial discussions with the developer,
3 they have lower than heights on the side of the building facing
4 G Street from 100 to 90 feet to step down to where the PUD site
5 confronts the townhouses on the north side of G Street. But even
6 after lowering the proposed height by 10 feet, the building height
7 is to almost twice the size of the Capitol Square Place townhouses
8 and twice as high as the maximum height under the current MU-12
9 zone.

10 We still don't agree with the proposed new height, and
11 we think the step down is not even close to an acceptable height
12 transition. And also, their shadow study provided -- provides
13 an incomplete picture of the impact.

14 Can you move to the slide number five, please.

15 So the shadow study included in the PUD, only shows the
16 static image of the shadow in three different times of the day
17 and the year. In order to have a complete picture of the true
18 shadow impact of the building of the surrounding areas, I uploaded
19 my presentation to the Zoning Commission exhibit records showing
20 an animation of the shadow trajectory throughout the day. During
21 winter solstice is the last --

22 Please, can you move to the last slide, slide number
23 six? And can you hit play? It's like an animation. You just
24 move. Yeah, it's -- you just need to hit the play.

25 MS. BERG: Patti (phonetic), unfortunately, I think it

1 turned it into a PDF file.

2 MS. GIORNO: No, no, no. It's a video.

3 MS. BERG: Video? Okay.

4 MS. GIORNO: Oh, is it PDF? Then that's weird. I can
5 share -- can I share my screen? My presentation is a PowerPoint
6 presentation.

7 CHAIRPERSON HOOD: No, you're not going to be able to
8 share your screen.

9 Mr. Young, is there anything we can do with that?

10 MR. YOUNG: Yeah, if you give me a minute, I can bring
11 up the PowerPoint.

12 MS. GIORNO: Okay.

13 CHAIRPERSON HOOD: Okay. Let's give him a moment,
14 please.

15 MS. GIORNO: Okay. So I'll just talk about the fact
16 that they are using a non-existing building in all this -- their
17 3D models. The building is the A207 PUD, the Case 22-11, that
18 the Zoning Commission refused to even hear on September 15. And
19 we don't have another PUD with the same item in the block, so
20 this is misleading information. And I will just finish with --
21 if we can just show the video. That's all I have.

22 Yes, perfect. So if you hit the play, you can see the
23 shadow, like, moving.

24 This is the winter solstice. So it's at 8, 9 a.m., 10,
25 11, Noon. Oh.

1 Yeah, you need to hit the play.

2 This is the morning, and then noon, 1 p.m., 2:00 p.m.,
3 3:00, 4:00 and 5:00. And the Jefferson Field, you can see the
4 impact on the Jefferson Field the whole afternoon and also in the
5 Capitol Square townhouses. That's all. Thank you very much.

6 MS. BERG: Thank you, Patti.

7 And thank you Commissioners for allowing Capitol Square
8 to recognize our party's status, and to speak with you all
9 tonight. You know, I -- we don't take your time for granted. I
10 know that this is what you do. And I also appreciate your
11 tolerance of us being novices to this process and explaining
12 things when needed.

13 Again, we just want to reiterate that we welcome the
14 development of the site, but that the density and height is a
15 problem as well as the traffic that it will draw. And then we
16 want to be good neighbors by ensuring that we uplift the Small
17 Area Plan and other District policies to --

18 MR. PINTO: Erin, I'm sorry to interrupt you, but we
19 still have Gail.

20 MS. BERG: Oh, that's right. Is Gail ready to go? I'm
21 sorry. She said she was going to testify on her own.

22 Oh, I'm sorry, we do have one other party in there as
23 well.

24 So Gail, are you there?

25 MS. FAST: I am here.

1 MS. BERG: Thank you, Gail.

2 I apologize, everyone.

3 MS. FAST: No, sorry.

4 Chairman Hood, I just want to make sure that I'm
5 testifying in the right realm. So I don't live at Capitol Square.
6 I've submitted written testimony. I'm here on behalf of Town
7 Square Towers. So if you want me to wait and just do my five
8 minutes, I'd be more than glad to do that. I just want to make
9 sure I do it in the correct vein.

10 CHAIRPERSON HOOD: Ms. Fast, you are an expert in front
11 of us. So I guess my question -- I'm going to ask you a question.
12 Are you part of the -- this party in opposition, or is your --
13 are your issues -- you're different?

14 MS. FAST: So -- well, my issues are very similar, but
15 Town Square Towers is not a party. We -- we're not within 200
16 feet of the --

17 CHAIRPERSON HOOD: Okay.

18 MS. FAST: -- of the development. That's why I want
19 to make sure that I do this correctly.

20 CHAIRPERSON HOOD: Yeah. Like I said, you're an expert.
21 Why don't you hold off for a moment, and let us finish with --

22 MS. FAST: Sure.

23 CHAIRPERSON HOOD: Town -- Capitol Square, and then we
24 will --

25 MS. FAST: That sounds wonderful.

1 CHAIRPERSON HOOD: -- ask our questions, and then we'll
2 come back to you. Okay?

3 MS. FAST: That sounds wonderful.

4 CHAIRPERSON HOOD: All right. Thank you.

5 All right, Ms. Berg, we may have some questions of you
6 and your party.

7 MS. BERG: Certainly.

8 Let me open it up to my colleagues. Well, let me start
9 off, Ms. Berg. You heard me probably been saying for the last --
10 how many hours has it been now? About continuing to collaborate.
11 It's -- and I'm going to go back to the question that Commissioner
12 May asked of the ANC. They're saying height. If that's not the
13 fix-all -- say if that doesn't change, is meeting with them a
14 non-starter?

15 MS. BERG: Well, we would -- we'd absolutely love to
16 continue to meet with them --

17 CHAIRPERSON HOOD: Okay.

18 MS. BERG: -- if we were able to have compromise on
19 some of the elements. I guess that's the thing, is we'll sit
20 down, but they have to come to the table with willingness to
21 listen and see what they can do. We know that it wouldn't reduce
22 their profit on the building. And you know, but if they want
23 our support, which supposedly they do, there are some compromises
24 that would need to be made.

25 CHAIRPERSON HOOD: Okay. So you heard me. I'm pushing.

1 All right. I don't live in the neighborhood. And I'm sure the
2 City is pushing for more affordable housing, not exactly as we
3 see it now. I know there are other neighbors who want to see
4 affordable housing. And it comes to a tipping point where there's
5 not -- it's not feasible. And we'll get to that point. So in
6 those negotiations, let's keep all of that under consideration.

7 Also, I got to refresh my memory on the Small Area
8 Plans. We've been through this before. We're bound to be not
9 inconsistent with the Comp Plan.

10 You know, I've always said this, we got more planners
11 in this City that contradict themselves. But I'm sure they're
12 in place for a reason. I'm not the -- some of these things have
13 been out there for years, and they have worked. So the question
14 is, and I'm going to ask our legal counsel, do we look at this --
15 I've been -- I think I better -- well, I don't want to get into
16 which plan I'm supposed to look at the most, which not being
17 consistent, whether I'm beholden to the Small Area Plan, I get
18 confused. And that changes for me every so often. But I get
19 that. I'm going to check with our counsel and make sure we're
20 under the legal realm of what we're supposed to be doing.

21 MS. BERG: And --

22 CHAIRPERSON HOOD: But I'm going to say that I want to
23 make sure that when you all go into -- if you -- if you're going
24 to continue to have those discussions, that you go in there with
25 an open mind knowing that -- like in any case, I don't -- even

1 with the Commission, I don't get everything I want, and I'm the
2 Chairman, but I got one vote. And sometimes I don't get
3 everything I want. But that's why it's five of us. It'll soon
4 be five of us. And I'll just leave it at that.

5 So, let me open it up for any --

6 Did you want to comment, Ms. Berg, on what I said?

7 MS. BERG: Just that I know Gail's testimony does touch
8 on the Small Area Plan a lot, discussing the elements and the
9 process that went into it.

10 CHAIRPERSON HOOD: Okay. Okay.

11 MS. BERG: Maybe a (indiscernible).

12 CHAIRPERSON HOOD: I get that. Yeah, I get it. All
13 right. Well, thank you. And I want to also thank the panel of
14 the party in opposition and all the work you all have put in.

15 But let's open it up, and let's go to Commissioner May.

16 COMMISSIONER MAY: I just have one quick question for
17 Mr. Pinto, who provided photographs of cars that are broken down
18 on G Street, I guess, having come off the freeway. I'm just
19 curious. I mean, you showed us a few pictures of it. I'm curious
20 about what the frequency is. Is that a daily occurrence, a weekly
21 occurrence, a monthly occurrence, or do you have any sense?

22 MR. PINTO: It's -- it depends a lot, Commissioner May,
23 I would say that, on average, maybe once every two weeks.

24 COMMISSIONER MAY: Okay. Thank you.

25 MS. BERG: I know you didn't ask me that, but I actually

1 used to work in 800 9th Street. I worked for the USDA, and the
2 picture of the car fire I took when I worked there. And I would
3 actually say that between breakdowns -- breakdowns are less
4 frequently. But I would say there's at least an accident a week
5 that either happens on the gridlock and 395, and they pull off
6 there, or it happens there. And today, literally, as I was
7 walking home to get ready for this meeting, there was an accident
8 that happened right there. And like I said, MPD came in the
9 wrong direction on G Street to get to it, and then I don't know
10 what else happened, but they were blocking the entire curb cut.

11 COMMISSIONER MAY: Yeah, so it's helpful to know the
12 frequency of accidents. I didn't ask that, but that's helpful
13 to know. But the details of the anecdotes are less meaningful
14 than understanding what the, you know, the overall frequency of
15 it. So I appreciate that. Thank you.

16 That's it for me, Mr. Chairman.

17 CHAIRPERSON HOOD: Okay. Thank you.

18 Commissioner Imamura?

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

20 I think a great deal of focus has been put on the
21 traffic issues. And I think everyone can probably agree that any
22 level of development on the site will increase traffic. What I
23 will say is that I am certainly sensitive to the height issue
24 and the massing, and I get it. I have -- it gives me some
25 heartburn a little bit, a little bit of pause, too, so I'm

1 certainly compassionate with that. Back to -- and the reason why
2 I bring that up, it sounds like the two issues here are the height
3 massing and traffic part. Even if they reduce the height of the
4 building, like I just stated, right, no matter what level of
5 development happens there, it's going to increase traffic.

6 But my point is, is that this is like a what's called
7 the vignette exercise, essentially. There's only so many --
8 there's only a certain few number of solutions to that traffic
9 situation, especially for that curb cut on G Street. There's
10 just no way, just because of the way the site is configured. So
11 my point is, is that even if you reduce the height, you all will
12 still -- there will still be the traffic issue. So what it is,
13 it's just a volume issue. And so I think that's just important
14 to distinguish there. And I just wanted to put that out there.

15 So you know, I know people have talked about moving
16 curb cuts here or there, but at the end of the day, the design
17 team goes through a number of iterations to see what works and
18 what doesn't work. And there are only maybe one, two or three
19 solutions at most, and that's probably even a stretch for that.

20 So based off of just the way the building is configured,
21 and the program of the building, there's probably a limited number
22 of solutions there. So you know, it -- I agree that continued
23 collaboration is good and important, but I also think for both
24 parties, it's important to get to yes. So in addition to Chairman
25 Hood's "good neighbor policy," my policy is what can we do to

1 get to yes. So I just want to put that out there.

2 That's all I have to say, Mr. Chairman. I yield back.

3 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

4 VICE CHAIR MILLER: Thank you, Mr. Chairman. Very
5 valuable comments from Commissioner Imamura as usual.

6 I thank you for your testimony. I thank you for your
7 engagement, and your involvement in the community and trying to
8 keep your -- well, trying to better your neighborhood and keep
9 your neighborhood -- keep the good aspects of your neighborhood
10 and work for improvements in the neighborhood.

11 Specifically, I guess I need to go back and look at all
12 the shadow studies and understand that a little better. But was
13 it Ms. Ramos who had -- showed us that video that -- of the
14 shadows on the field. What time of year was that happening at
15 the -- you probably said it, and I missed it.

16 MS. RAMOS: The winter solstice?

17 VICE CHAIR MILLER: When? Winter.

18 MS. RAMOS: Winter solstice, December 21st.

19 VICE CHAIR MILLER: Okay. Well, that's a lot of time
20 when there's a lot of shadow, unfortunately for all of us, and
21 there's been a lot of shadow for all of us the last week until
22 today, which is depressing until today. But that was disturbing
23 to see. The -- as someone who've gone to many soccer games with
24 my kids 20 and 30 years ago, and will be going to future soccer
25 games with my grandkid, who I waved to an hour and a half ago

1 when he was going to sleep, I don't want to see a shadow at that
2 hour. But in the wintertime, it's understandable.

3 But I don't know what's happening in the fall. I kind
4 of need to compare that with the -- maybe the Applicant can -- I
5 need to compare it with what the Applicant has submitted and
6 understand if there are any discrepancies. But that was that was
7 concerning. Although wintertime, as I said, is a difficult time.

8 In terms of the grocery store. It's it -- there's the
9 Applicant seems to be responding to the ANC's requests for a
10 grocery store, although the ANC made it clear that they wanted a
11 small, a smaller and a price -- a value -- a price point grocery
12 store that is affordable, you all mentioned -- I don't know if
13 it was you all, or somebody else who mentioned the Wawa? Did --
14 was there a specific discussion with the Applicant of the type
15 of grocery store that you want? I -- I've never been to a Wawa,
16 but I know that one of my daughters love the Wawa coffee for some
17 reason.

18 MS. BERG: I don't know if I want to put it on the
19 record of us advocating for a certain type of name but --

20 VICE CHAIR MILLER: Yeah. I am sorry to mention names,
21 but yeah, but --

22 MS. BERG: You know, we surveyed our members and some
23 of them liked the concept of a grocery store, but their primary
24 concern is the traffic, and we can't support a grocery store,
25 especially in this edge of the neighborhood where if it's a real

1 | grocery store, people are going to drive to even, you know,
2 | neighbors in Southwest, it's so far over here. It's not like,
3 | you know, the Safeway is accessible.

4 | VICE CHAIR MILLER: It be -- but Ms. Berg, they might
5 | be less likely to drive to the Safeway, if they could get the
6 | essentials right across the street that they need, you know?

7 | MS. BERG: People in our neighborhood or sure. Yeah,
8 | our -- so we would benefit from a grocery store there. Our folks
9 | would not have to drive to the grocery store anymore. But I'm
10 | thinking about the neighbors that we're talking about that find
11 | the Safeway to be -- not offer what they want or price points
12 | they can't afford. They're over in the Southwest, the mass of
13 | Southwest, east of 7th Street, or sort of a little outlying
14 | neighborhood that was built in 2001, so we're not urban renewal
15 | or anything like that.

16 | But you know, we've been here a while. I'm thinking
17 | that, you know, the folks in the apartment buildings by the
18 | Safeway that hate the Safeway, they would end up coming over
19 | here, or if it's a specialty retailer, like a Trader Joe's or
20 | something, there would potentially be driving over here. And
21 | then we saw in some of the comments that were solicited by the
22 | Applicant that, you know, a Trader Joe's gets a lot of traffic,
23 | no matter what neighborhood it's in from people who don't live
24 | there, because they're not in every neighborhood, and people love
25 | them.

1 So you know, our -- but it seems contrary that our
2 actual development would not want a grocery store. It's mainly
3 the traffic impacts that we're worried about with a grocery store.
4 If it was something like the Fox Trot or a Wawa or something that
5 is -- I mean, we have a CVS down at The Wharf though too. But
6 if it's something that offers some essentials, that people would
7 get on foot and can carry home on foot, that would be fine,
8 because they're not necessarily going to drive to get that. I
9 leave it up to the Applicant to figure out what an appropriate --

10 VICE CHAIR MILLER: Right. So they'll be --

11 MS. BERG: -- retailer is.

12 VICE CHAIR MILLER: -- continued collaboration, because
13 we -- they want it to work for the neighborhood --

14 MS. BERG: Yeah.

15 VICE CHAIR MILLER: -- and not create a problem for
16 that -- for the -- where people don't want to go there, because
17 they can't get there because there's too much traffic. You know,
18 when I first moved in --

19 MS. BERG: That's where we're heading.

20 VICE CHAIR MILLER: When I first moved into my
21 neighborhood, before there were the 20 grocery stores that are
22 now here on the Wisconsin Avenue corridor between Friendship
23 Heights and Georgetown, there was the signs when we moved into
24 the neighborhood, "Stop the giant Giant," which is -- that Giant
25 needed to be renovated. And all those people who wanted to stop

1 the giant Giant, my neighbors who -- wanted to stop -- they're
2 all there. But they were concerned about people driving from
3 other places when there weren't so many grocery stores. The
4 traffic, it's just inevitable that it's going to happen no matter
5 what's -- it's kind of inevitable. And I'm just rambling at this
6 hour.

7 But I think food options are good for -- and choices
8 for you -- for the people who are there. I -- and if the City
9 is doing what I think we're doing -- what we're beginning to do
10 right in trying to equitably distribute more food choices
11 throughout the City, there won't have to be that traveling from
12 other neighborhoods to another neighborhood to get the food
13 options they want. So I just -- I think there needs to be that
14 continued collaboration. There's just seems to be a little bit
15 of a discrepancy between -- I thought the Applicant was
16 responding to community requests for a food option, and you seem
17 to be open to some kind of food option that just doesn't
18 exacerbate the traffic problems.

19 And the traffic problems are a problem in Southwest.
20 I don't go as often to The Wharf as I want to, because it's -- I
21 will have to cut through your neighborhood, because I don't want
22 to make that Tidal Basin -- if I'm driving, I don't want to make
23 that Tidal Basin, that horrible one lane thing next to the fish
24 market with that light at any time of day. Was that mentioned --
25 the neighbor across the street, you -- Mr. May -- Commissioner

1 May had asked about the frequency, and it was once every week or
2 a couple weeks, and you saw something today. Is it mostly
3 during -- is it rush hour that that's happening? Is it the school
4 pickup/drop-off?

5 MS. BERG: No.

6 VICE CHAIR MILLER: Certainly, I've learned in my --
7 and that you -- I don't drive. I have the option of not -- I
8 don't drive when the school pickup and drop-off happens anymore,
9 because that's worse than rush hour.

10 MS. BERG: So the 807 Maine Avenue project is going to
11 be the one that deals with the school pickup. We're on the other
12 side, and we're right by Banneker Overlook and like, the Spy
13 Museum and L'Enfant Promenade. And so most of the middle school
14 kids live in the neighborhood, so they're coming west to
15 Jefferson, and the cars are coming to the east side of Jefferson
16 for the drop off and pickup. That's where there's is or on the
17 north side. Our -- we see traffic accidents, it makes -- there's
18 only a little rhyme or reason; if there's a motorcade on the
19 highway, if there's an accident on the highway, if there's the
20 State of the Union, something like that, if there's a Nats game,
21 because people will get off the highway. It backs up to Navy
22 Yard. They'll get off the highway at Maine Avenue and then sit
23 in G Street trying to work their way over.

24 But it happens in the morning, because it's a highway.
25 People change lanes there. There's that weird -- when you're

1 | trying to get out of the lanes to get on the Fourth Street Tunnel,
2 | coming over the bridge where that merge is, you end up going over
3 | East Potomac Park, if you're not careful. You have to go over
4 | to the second lane. So there's a lot of accidents that occur
5 | right at that spot on 395, and they exit at Maine Avenue to call
6 | the police.

7 | And then there's also ones because we have that stop
8 | sign on. If don't know if you ever come down the 9th Street
9 | Tunnel. We have a stop sign that you can turn left into
10 | somebody -- turn in front of the person next to you on your left.
11 | I don't know how my camera looks -- but so we're pulling up to
12 | the stoplight, people can turn like this in front of you, and
13 | these people that are trying to go straight down to The Wharf,
14 | they're eager for their fish or whatever they're going to get
15 | down there, and they slam into people, or we even had somebody
16 | do that and get scared, and they mistook their gas pedal for a
17 | brake and ended up in one of our homes' front yards literally,
18 | because they were trying to stop, and they floored it.

19 | So having lived in the neighborhood for a decade and
20 | having had that window office at the USDA, I've seen -- it's
21 | everything. It's event related. It's random, you know.

22 | VICE CHAIR MILLER: And I think DDOT is listening. I
23 | hope they're listening. And --

24 | MS. BERG: Yeah.

25 | VICE CHAIR MILLER: -- and I think they're listening.

1 I think they're trying -- I think with -- I think there are a
2 lot of mitigations that are in this plan. I hope that -- we all
3 hope that they work and that the ultimate -- the signalization
4 happens. And eventually -- so I think we'll get there, but it's
5 going to take a lot of work.

6 MS. BERG: Yeah. We accept that there will be more
7 traffic no matter what. We're not trying to say we don't want
8 any -- we don't -- you know, the bar. I'm sure you guys are
9 familiar with the parcel over where Southeast University used to
10 be that is now a rat-filled, empty field. We don't want a
11 situation like that, where we can't come to an agreement, and
12 it's not profitable enough for the developer. But I think that
13 there's more that can be done to do that. And I also think
14 building at the maximum density that you guys would probably even
15 ever consider. I don't know if they can go higher. I'm not --
16 I've looked at the different MUs, and they don't go in order by
17 numbers, so it's confusing to me what could possibly go there
18 beyond the 9A.

19 But we just feel like with all of the other factors
20 that that height causes; the shadows, the -- not looking and
21 feeling like the rest of the neighborhood, making that tunnel
22 effect on Maine Avenue, decrease coming to a compromise with a
23 moderate height building, somewhere in between. Because of --
24 you know, they stepped down the back part, but then they just
25 recaptured the density by making the front part taller, instead

1 of just making the whole thing slightly shorter to at least hear
2 what we're trying to say. Like, they're calling it hearing what
3 we're trying to say, but they're also not listening to the full
4 things that we're saying, so. Thank you.

5 VICE CHAIR MILLER: I hear what you're saying. And I
6 commented on the tunnel effect on another case. And I don't
7 usually do that on height issues, as Commissioner May knows, with
8 all of our discussions about height for many, many, many years.
9 But I would encourage the Applicant and you all to try to rebuild
10 the trust that, obviously, has broken down, which is unfortunate,
11 and try to get to as many compromises as you can get to in the
12 weeks and months ahead. So thank you for your work.

13 CHAIRPERSON HOOD: Okay. I don't like putting anybody
14 on Promised Land. I heard this whole conversation and everything
15 you mentioned Ms. Berg. It happens in my neighborhood. We have
16 a Costco. Everything you just talked about happens in my
17 neighborhood. It's just in a different area of the city. So
18 that -- I don't see any situation where we're unique. That's the
19 price, I think, of living in the city. So -- but for me, and I
20 know that's not the ask you want. I'm not going to sit here and
21 (indiscernible), because I know all of us go through certain
22 things.

23 There's some things in my neighborhood, I would like
24 to go somewhere else, but I have to deal with them. And one of
25 them is trash. So I will just tell you that all of us have unique

1 things in our neighborhoods. I have many years of working at
2 Waterside Mall, working at U.S. EPA until we moved downtown. So
3 I'm very familiar with Safeway, and I watch how people walk from
4 different neighborhoods to come to that Safeway. I'm very
5 familiar with all that. I'm very familiar with the banks, how
6 they -- a couple of them didn't survive. I'm familiar with all
7 that.

8 But it goes back to my initial point. You might not
9 get everything you want, either side, but I think it's good to
10 be close together. Because then again, we have a large
11 constituency in this city pushing for affordable housing,
12 especially down in the waterfront area. People want to be able
13 to live down there. People want to be able to get there. So
14 when you start cutting back and cut down, guess what, people who
15 look like me can't come down.

16 They probably can't come down there regardless, but I'm
17 just saying we have a better opportunity if -- and that's what
18 I'm hearing loud and clear about this racial equity. So we have
19 to balance all that. We're going to go -- I'm going to go by
20 the regulations. I hear you loud and clear. Even if we do put
21 some mitigation methods in place, I'm not sure it's going to
22 solve any of your problems. I'm not really sure. So I'm not
23 going to sit here and toss around, and I know it's getting late.
24 But I'm not going to sit here and act like this stuff doesn't
25 exist because I live here too. It exists.

1 But I think if we continue to have conversations, all
2 of us together can eventually, eventually get to a better outcome.
3 Because guess what, to the party, Ms. Berg and others, you all
4 live there. Mr. Pinto, you're all going to have to endure it.
5 I can leave and go out the beltway and go around. If I do so,
6 that's probably even worse. I shouldn't say that. But I'm just
7 thinking. Let's try to see if we can work it out.

8 I'm saying this for -- not just for us, I'm saying for
9 the Applicant too, because you want to come develop, and you're
10 going to go over to Arlington and do the same thing. So work
11 with us here in this city, and let's try to make this work. And
12 I -- one thing I will say about Ms. Batties, I'm going to get --
13 we're going to give Ms. Batties a charge, if my colleagues agree.
14 And I will have to say this, she has not -- she's always come
15 back with something that brings people closer together.

16 Now I went out on a limb to say that because I've seen
17 her track record, so I believe she can do that. I believe Ms.
18 Batties will do it as she's done in the past.

19 VICE CHAIR MILLER: There's the Promised Land. There's
20 your Promised Land.

21 CHAIRPERSON HOOD: I said I believe that. I said I
22 believe that. I put the pressure on her, because she's done --
23 she has done it in the past. No, I'm not putting her on Promised
24 Land. I just I want them to put us on Promised Land and make it
25 work.

1 Okay. That's all on the soapbox. I do have an issue
2 that I need to deal with, something I just -- I probably have
3 not done correctly, but I need to consult with Ms. Schellin, so
4 give me three minutes, and we'll be right back. I know it's
5 late, but I need to do this so I can make sure I'm doing the
6 procedures correctly.

7 (Pause.)

8 CHAIRPERSON HOOD: Okay. So are we ready to come back?
9 So I've made an error. And hopefully, before the end of the year
10 or the beginning of the year, that error is going to be corrected.
11 But I did not call our former counsel Attorney General's Office,
12 and they are listed as other government agencies, and it's new
13 to me. It's new to us. And some of this we're going to have to
14 resolve and get it taken care of. And that is on my agenda.

15 So what I'm going to do now is to call Ms. Cain. But
16 I'm going to ask Ms. Cain to yield to Ms. Fast, and then I'm
17 going to bring Ms. Cain up. And I would also ask if -- because
18 there are times when I see stuff in the record for OAG, and they
19 don't testify, and this time they want to testify. And I can't
20 read -- I don't know, you know, my staff may have missed it, but
21 I definitely can't read your mind. So I need to know when you
22 want to testify.

23 And I do call other government agencies. Most of the
24 time, it's OP and DDOT. But if OG -- OAG staff wants to testify,
25 they need to let us know until we get used to how this works.

1 | Because there's things in the record, they don't testify.
2 | Tonight, they want to testify. So I'll leave it at that. All
3 | right, Ms. -- any other -- let me do this.

4 | Any other questions of the party in opposition?

5 | Commission Imamura?

6 | COMMISSIONER IMAMURA: Thank you. Sorry, Mr. Chairman.
7 | I'll be brief. This is a question actually for Ms. Ramos, so
8 | I'm glad that she's on screen.

9 | Just real quick. I really value shadow studies. I
10 | think they're really important. And I know the one that -- the
11 | animation that you put together shows the winter solstice. And
12 | it really covers a significant portion of the field. But do we
13 | know what activities are taking place in December on that field?

14 | MS. RAMOS: I don't have this information. Erin, do
15 | you have this information?

16 | MS. BERG: Just anecdotally, we haven't studied it.
17 | But there are still, you know, some sports. It's not always that
18 | cold in December. There's tennis courts that are there, and I'm
19 | not sure -- I don't know if Mr. Fishburg has stuck with us, but
20 | there's tennis courts and pickleball courts that are right there.
21 | And then the community uses it for kids to run around and things
22 | like that. And then kids after school will often spend time out
23 | there as well. But if Ivan is still here, maybe he could say,
24 | or maybe that's something they developer can ask them to provide
25 | that information for you. But it is in use all year round.

1 COMMISSIONER IMAMURA: Certainly, no doubt about it.
2 I just know -- at least if you think about football and soccer,
3 those are fall sports that and far before December. So no doubt,
4 maybe the community uses it (indiscernible). But I didn't want
5 to -- I don't want shadow studies to mislead anybody, just as I
6 don't, you know, the photographs that the Applicant showed
7 earlier, I thought were, at least in my opinion, weren't very
8 helpful or meaningful, either. So this is just to speak to
9 Vice Chair Miller's comment about looking at that shadow study.
10 And it does -- it is a very impactful image. But I also just
11 want to remind everybody that time of year and what's actually
12 taking place out on that field. If that were to take place
13 perhaps in the summer and the spring, you know, that -- it would
14 be a different story. So --

15 MS. RAMOS: We will have some shadows on summer --
16 spring and fall too.

17 COMMISSIONER IMAMURA: Certainly. Probably not as
18 significant as the winter solstice, as yours showed. So I
19 certainly appreciate that.

20 So that's all I have to share -- say, Mr. Chairman.
21 Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 Any other questions from my colleagues?

24 (No audible response.)

25 CHAIRPERSON HOOD: Okay. Let's go to the Applicant.

1 Any questions of the party in opposition?

2 MS. BATTIES: No.

3 CHAIRPERSON HOOD: Okay.

4 Commissioner Kramer, any questions of the party in
5 opposition?

6 COMMISSIONER KRAMER: No further questions. Thanks.

7 CHAIRPERSON HOOD: And the party that was in support.
8 Who was the party in support, Ms. Schellin?

9 MS. SCHELLIN: No party in support.

10 CHAIRPERSON HOOD: Oh, okay.

11 MS. SCHELLIN: I think it's been a long night.

12 CHAIRPERSON HOOD: Okay. I don't know. I thought we
13 had a party --

14 MS. SCHELLIN: It's just the ANC, the Applicant, and
15 the party in opposition.

16 CHAIRPERSON HOOD: Okay. I got it. Thank you.

17 MS. BERG: Was -- it was Jefferson. Ivan Fishburg, but
18 he's --

19 CHAIRPERSON HOOD: Oh, that's right. But he's not a
20 party.

21 MS. SCHELLIN: No, he's not a party. No party.

22 CHAIRPERSON HOOD: Okay. Okay. I appreciate it.

23 Well, Ms. Berg and to her colleagues who helped in the
24 opposition, we appreciate it. Again, stay tuned. Let's see
25 where we go from here. Thank you very much for putting together

1 | your presentation, to all of you.

2 | Okay. Ms. Fast, and then I'm going to end with
3 | Ms. Alexandra Cain.

4 | Okay. Ms. Fast?

5 | MS. FAST: Oh.

6 | CHAIRPERSON HOOD: I'm sorry. What did I say? Yeah,
7 | Ms. Fast.

8 | MS. FAST: Thank you. I thought Ms. Cain was going,
9 | but good evening. I had my testimony as "good afternoon," but I
10 | guess it's good evening now, Chairman Hood and members of the
11 | Zoning Commission. My name is Gail Fast. Here today, though,
12 | on behalf of Town Square Towers Council of Co-Owners, where the
13 | board of directors who have asked me to testify on behalf of our
14 | 285 residents. While we are not a party, nor are we within
15 | 200 feet of the applicant, our community is concerned because we
16 | use the G Street exit to get into one of our parking garages.
17 | And it is a route that many of our residents use to get home.

18 | But tonight I'm going to talk to Chair -- Chairman Hood
19 | and so to give you my key points for this quickly, because it's
20 | been a long night. Erin is right. I am an, I would like to say
21 | an expert on the Small Area Plan, as I sat on the advisory
22 | committee that created the plan, so certainly, I know it like the
23 | back of my hand. But I think the ANC has, you know, talked about
24 | the Small Area Plan. And certainly, the Commission is well aware
25 | of it.

1 What I want to talk about is some of the proffers and
2 how we are concerned with those and particularly in the affordable
3 housing realm. And I know as an expert or having done
4 negotiations before and having come before you on different PUDs,
5 there is a tradeoff between height, flexibility, and affordable
6 housing. However, what I want to say is this building, again,
7 is at 60 percent of MFI, and I think that's something to be really
8 conscious of, because there has never been affordable buildings
9 so far going in Southwest in the last few years, other -- since
10 The Wharf, where there has been deeply affordable 30 to 50 percent
11 MFI. And I really think that in negotiations, if we continue
12 the community to work with the developer, I would really like to
13 see us get to a point where we would have units at that really
14 deeply affordable level.

15 Because as you said, Chairman Hood, I'm concerned about
16 the folks in my community. I want them to stay here, and I want
17 them to be able to live in a brand new building on the corner of
18 9th and M Street across from The Wharf. And so, we need 30 to
19 50 percent MFI. Someone at 60 percent MFI, who was eligible for
20 a three bedroom, can make up to \$114,000 to qualify for that
21 three-bedroom unit. So is that really targeting folks that look
22 like you, Chairman Hood? I don't think so. And that's not how
23 we developed the Small Area Plan to keep that racial equity. So
24 I wanted to just bring that up as that point.

25 I'm then going to talk about the traffic and the

1 mitigation. I just think it's important when we were developing
2 The Wharf in Phase One, we did meet with DDOT. We met with the
3 federal government. They will not put a traffic light at that
4 intersection for fear that traffic during things like gameday or
5 whatever would back up on to 395. So that isn't really a proffer
6 that can happen. However, I do think, though, that the community
7 can have a meeting with the Applicant, with the ANC, with DDOT
8 to come out and figure out what is the best solution for that
9 intersection.

10 Town Square Towers was not one of the eight buildings
11 that the developer reached out to. So we have had no
12 conversations with the developer. And, you know, by right, they
13 don't really have to. But again, we are part of this community.
14 And I think that that is important. I understand that the curb
15 cut on Maine Avenue is going to create sort of this not two-way,
16 but entrance in from Maine Avenue, and then a two-way coming out
17 of G Street. What I just want to put on the record for DDOT is,
18 we have a private drive, what happens is that becomes a thruway.

19 So while those cars are going to be coming off of
20 G Street, they will try to exit out on Maine Avenue. And so, I
21 think that that is something that also needs to go back to the
22 drawing table and look at to see as the best thing it possibly
23 can.

24 For my short little time, I just want to talk about the
25 grocer. I appreciate Vice Chair Miller's discussion on what size

1 | grocery stores need to be. The average grocery store is about
2 | 38,000 square feet. Smaller ones range from 12,000 to 25,000
3 | square feet. So this is not -- this should never have been
4 | proffered as a grocer. If they wanted to proffer it as a bodega,
5 | I'm all for it.

6 | I think bodegas are amazing. They don't require
7 | driving traffic, and you can get a hard roll with butter and a
8 | cup of coffee for \$2, which is the price point that really should
9 | be in this neighborhood to allow all South residents and Southwest
10 | residents to be able to use this store. So that's sort of what
11 | I'm going to hold on as my testimony. I think that we can get
12 | to that if we talk with the developer. I do have a concern that
13 | the view and the viewshed of the building will be higher than
14 | the view at The Wharf. I think that's problematic. The Wharf
15 | was developed, you know, to have a certain height. I think the
16 | developer can work so that the viewshed for this building is
17 | equal to that of the buildings at The Wharf. That's it for my
18 | time. Thank you very much.

19 | CHAIRPERSON HOOD: Thank you, Ms. Fast. Let's see if
20 | we have any questions of you.

21 | Commissioner May?

22 | COMMISSIONER MAY: No.

23 | CHAIRPERSON HOOD: Commissioner Imamura?

24 | COMMISSIONER IMAMURA: No.

25 | CHAIRPERSON HOOD: And Vice Chair Miller?

1 VICE CHAIR MILLER: No.

2 Thank you, Ms. Fast, for your testimony.

3 CHAIRPERSON HOOD: And thank you, Ms. Fast. And I'm
4 hoping that you will be included if we continue those discussions.
5 I know you have a lot of expertise on the ANC as well as the ANC
6 office, and now in your capacity, where you are (indiscernible).
7 So you know, we always need to make sure we tap that. So
8 hopefully, when that happens that you will be involved as well,
9 if everyone agrees.

10 Does the Applicant have any cross of Ms. Fast?

11 MS. BATTIES: No.

12 CHAIRPERSON HOOD: Okay. And Commissioner Kramer?

13 COMMISSIONER KRAMER: No thanks.

14 CHAIRPERSON HOOD: And to the party, Capitol Square,
15 Ms. Berg?

16 MS. BERG: No, we just thank Gail for her time and for
17 her advice in this process.

18 CHAIRPERSON HOOD: Great.

19 Okay. Thank you, Ms. Fast, we appreciate it.

20 And let me bring up Ms. Alexandra Cain. Let me first
21 of all apologize for not calling her earlier. I got to get used
22 to this new style. I either have to get used to it, or I don't.
23 I can't figure it out yet, but I'll know soon. But let me get
24 used to this new style. I am supposed to call her. She's "other
25 government" now. So Ms. Cain, you may begin.

1 MS. CAIN: Thank you, Chairman Hood. I will just note,
2 quickly following up on your earlier point, we did follow the
3 normal procedures for signing up to testify. If there's some
4 other step that the Commission would like us to take, we're happy
5 to do. If you or the Office of Zoning could just let us know
6 what that would be. I get asked --

7 CHAIRPERSON HOOD: Well, I'm going to let you know
8 right now. What I think it would -- could be helpful, because
9 there are times -- and you may have followed up with the staff.
10 So I'm talking about me now, me only. It'd be good to let us
11 know -- let me know, because if the staff misses it, that happens.
12 You staff this as well. So we miss things. So I wouldn't -- I
13 would have called on you a lot earlier, if I had known you all
14 wanted to testify. And I'm talking about just me and me only.

15 MS. CAIN: Not a problem at all. I will ask if
16 Mr. Young can pull up our PowerPoint. And while he's doing that,
17 thank you Chairman Hood and members of the Commission. My name
18 is Alexandra Cain. I'm here tonight on behalf of the Office of
19 the Attorney General's Equitable Land Use section. Our
20 presentation is in the record at Exhibit 93A. I will just quickly
21 ask, since the Commission has asked the Applicant and the Office
22 of Planning to provide written responses in response to some of
23 the issues that we have raised, we would request the opportunity
24 to respond in writing to those submissions as well, given that
25 there has been some information introduced tonight that we were

1 not aware of before, including, you know, the potential for the
2 map amendment to the MU-8 that was discussed between the Applicant
3 and the Office of Planning.

4 With that up, I just note that OAG is currently
5 testifying in opposition to this case, and that is based on the
6 Applicant's affordable housing proffer, which we believe is
7 inconsistent with the Comprehensive Plan and does not satisfy the
8 PUD balancing test.

9 Next slide. Mr. Young.

10 So in looking at this case, what we felt the key sort
11 of question for the Commission is what should the minimum
12 affordable housing proffer for a PUD be? There's no specific
13 requirement in the zoning regulations that sets a baseline for
14 IZ for a PUD. It is left to the discretion of the Applicant. So
15 looking at recent cases, applicants have provided -- been
16 providing about 15 percent across the board. That's applied to
17 a variety of PUD cases, providing a variety of different scales.
18 And there's not really been any explanation as to how that number
19 has been reached or why it is considered, you know, and
20 appropriate for that specific PUD.

21 What OAG believes is that a better method would be a
22 formula that's tied to the specifics of a specific PUD, and that
23 is directly proportional to the height and density being gained
24 through the PUD application process.

25 Next slide, please.

1 So as the Commission is aware, the Zoning Regulations
2 require that a PUD be better or superior to a matter-of-right
3 project. And what renders a project as superior to matter-of-
4 right is the provision of public benefits. And that is the only
5 thing that renders it superior to matter-of-right. Those
6 benefits need to convey a meaningful benefit to the surrounding
7 community, and they need to be proportional to the flexibility
8 and additional density that the applicant is gaining through the
9 PUD process.

10 Next slide please.

11 However, we also need to bear in mind that not all PUD
12 benefits are created equal. There are only two benefits in the
13 entire Comp Plan that are specifically called out by the
14 Comprehensive Plan and that's the production of affordable
15 housing. So new affordable housing units above and beyond the
16 existing legal requirements and anti-displacement measures. Now,
17 not only are these specifically identified, but they are
18 prioritized in light of the acute need to preserve and build
19 affordable housing. So we believe that this provision of
20 affordable housing units really is the key benefit that all PUDs
21 across the board should be providing as part of their benefit
22 package before and above anything else. But the question is
23 still what is the appropriate baseline for that?

24 Next slide, please.

25 So as we noted, the regulations require a PUD to be

1 superior to a matter-of-right project. Now in this case, the
2 applicant is seeking a map Amendment to the MU-9A zone. Had this
3 map amendment been requested separately, it would be subject to
4 the IZ Plus program, which would require a higher IZ set aside
5 for a matter-of-right development in that zone. Given that a PUD
6 is getting even more height and density than will be possible
7 through a map amendment, we assert that the IZ Plus formula should
8 be applied to the application, specifically to the IZ and PUD
9 bonus density, to establish the threshold of an IZ proffer for
10 the project.

11 Next slide, please.

12 Now in looking at the ways to calculate IZ Plus, the
13 IZ -- the sort of second method of calculation results in a higher
14 yield in this case, and as the regs state, the Applicant is
15 charged with picking the higher of the two. In this case, you
16 come up to a set aside of 18 percent. This works out to about
17 78,000 square feet, which is about 12,000 more square feet than
18 the Applicant is currently proffering under their 15 percent
19 proffer. I will note, we have made one change to the original
20 proffer from the regs, in that we have increased the set aside
21 for the non-mechanical penthouse from 8 percent to 18 percent.

22 We did that to capture the value of the penthouse space,
23 and also honestly, to sort of keep the math simple. It's also
24 what the Applicant is currently doing, only they're doing it with
25 15 and 15 percent. That doesn't result in a huge increase in

1 terms of square footage. However, it does increase the amount
2 of square footage that is being dedicated for a housing unit at
3 the 50 percent MFI level, from 420 square -- 427 square feet to
4 960 square feet. We think that that's a relatively minor burden
5 on the Applicant but results in a huge benefit for the District,
6 because you now have a unit that is a much larger size and can
7 house a larger family at that lower income level.

8 Next slide, please.

9 So having established that 18 percent is sort of the
10 baseline; there is an issue of Comp Plan consistency with this
11 project. As has been discussed throughout the hearing tonight,
12 the FLUM designates the property as medium density commercial.
13 This designation was supposed to serve as sort of a buffer between
14 the high-density development on The Wharf to the south and the
15 lower density development to the north.

16 Now the Applicant, as we noted, is seeking a map
17 amendment to the MU-9A zone. That is a high-density zone. And
18 this was a conscious choice on the part of the Applicant. As
19 you can see, going through their slides where they dedicated, you
20 know, this is how much we would -- density we would get, how much
21 height we would get under the MU-N, which is permitted versus the
22 MU-9A. So why is it that they chose the zone? It is because it
23 allows 130 feet for a PUD.

24 Next slide, please.

25 So, as we've gone through tonight, we've seen the

1 renderings. You can see that the additional height allows the
2 Applicant to match, or as we've heard, potentially exceed the
3 height of The Wharf development itself. And it also affords them
4 with unobstructed views for four stories to the west, north and
5 east. That is a huge benefit to the Applicant. But it does
6 directly contravene the direction of the FLUM, the GPM, and the
7 Small Area Plan to focus that high density development on the
8 south side of Maine Avenue along the waterfront and out of the
9 lower density residential areas to the north.

10 Next slide, please.

11 So an inconsistency with the Comprehensive Plan is not
12 inherently fatal, but it does have to be specifically identified
13 and addressed by the Commission who has to specifically identify
14 how it is outweighed by other policies, whether from the Comp
15 Plan or other public policies.

16 Next slide, please.

17 Now, given the value of the additional two stories, and
18 in light of the Comprehensive Plan's prioritization of affordable
19 housing, what OAG recommends is that there be a set aside of 33
20 percent on the GFA of those two additional stories that the
21 Applicant is gaining through the map amendment to the MU-9A.
22 Those two stories are inconsistent with the Comprehensive Plan.
23 And 33 percent reflects the goals of the Mayor's 2019 Housing
24 Order, which says that roughly one in every -- out of every three
25 units developed in the District should be affordable. This would

1 result in an additional 18,000 square feet dedicated for IZ.

2 Next slide, please.

3 So when all this math works out, what we wind up with
4 is 96,228 square feet that will be dedicated for affordable
5 housing. That's roughly 22 percent of the applicant's total
6 proposed residential GFA, approximately 30,000 more than the
7 current proffer or about 30 additional units, depending on how
8 many square feet per unit.

9 Next slide, please.

10 So finally, to conclude, we believe that this is
11 consistent with the various elements of the Comp Plan,
12 specifically the housing and the area elements. And given long
13 history of displacement and gentrification in the Southwest
14 neighborhood, as has been discussed in other filings and in
15 testimony tonight, we believe that the provision of affordable
16 units -- additional affordable units, may help to stem the loss
17 of current residents from the area and result in a more diverse
18 and inclusive neighborhood as envisioned by the Comprehensive
19 Plan and the Small Area Plan.

20 With that, I will conclude my testimony and welcome any
21 questions. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you very much,
23 Ms. Cain. I have been waiting to ask you all a question for a
24 while. And one of them is I'm looking -- I looked at your
25 submission today and looked at previous ones, and also remember

1 the advice that you all have given us when you were our counsel.
2 And I'm just curious, all these cases, many, many, many, many,
3 many, many, many cases you all have advised us on, this kind of
4 information was never presented.

5 We could have done something about some of this that
6 you all believe now is so wrong, long ago. Why now and why all
7 of a sudden now with -- what happened in the last few months,
8 that you all are now able to show up with these kinds of analyses,
9 when I think as a Commission, me personally who depended on you
10 all should have gotten that then. So help me understand how we
11 get it now and this stuff is -- I think, for me, that's a
12 disservice, not just to me, but to the residents of the City.

13 MS. CAIN: I mean, Chairman Hood, the role of OAG has
14 changed in the past year. We are now advocating on behalf of
15 the public interest, so we are just in a fundamentally different
16 position than we were when we were advising the Commission.

17 CHAIRPERSON HOOD: So what -- if -- see the thing is,
18 you all know how we think, how we move. You know definitely I
19 think and how I move. And if this was an issue, these were things
20 that we could have looked at, and we probably could have solved
21 a lot of these issues. We wouldn't have went so far down the
22 pipe. And just basically, just going through the things, we
23 could have stopped some of this then if we had gotten some of
24 this advice.

25 I have some serious problems. This is not the last

1 time you all are going to hear this. Because there's some other
2 things that are in the pipeline. But I can just tell you, this
3 is a disservice to the residents. Now you're all in an advocate
4 role, which is great. I have sent people your way, and I'm not
5 getting any, Ms. Cain. You can take it back. I've sent people
6 your way, and they call me back and say, they can't even get a
7 phone call back. I've sent people your way to help them advocate,
8 because they don't know zoning, and they don't get a response.

9 But anyway, I'm going to leave it at that. I'm not --
10 you're not the person that I probably need to be talking to, or,
11 the City needs to be talking to at this time. But I'm like, if
12 this was true, how come I didn't get this until you all made the
13 change? I have a problem that. I don't know how my other
14 colleagues feel, but I feel like I was not given the best legal
15 advice that I should have been given when you all represented me.
16 And I'll leave it at that.

17 All right, Mr. Chairman, you have any questions?

18 I mean -- Commissioner May?

19 COMMISSIONER MAY: You can call --

20 CHAIRPERSON HOOD: I go to so many meetings. I do have
21 a chairman too. I got a couple other meetings I go to, and I
22 have to say, Mr. Chairman, so.

23 COMMISSIONER MAY: So yeah, I do have a couple
24 questions.

25 So Ms. Cain, we heard testimony earlier tonight that

1 | if this were just done as a map amendment, that the Office of
2 | Planning would never support MU-9A. The only reason get to
3 | MU-9A was to give flexibility on height. And so, it -- I mean,
4 | they would not -- I forget what the -- what zone it was. But
5 | did you look at that at an actual zone that in its essence is
6 | consistent with the medium density commercial designation for a
7 | map amendment?

8 | MS. CAIN: I'm sorry, Commissioner May. Can you give
9 | me that question one more time?

10 | COMMISSIONER MAY: Yeah. So I mean, when you -- you're
11 | trying to suggest that if this was done as a map amendment with
12 | IP -- IZ Plus, it would yield more affordable housing. But we
13 | could not do a map amendment to MU-9A. We simply could not, and
14 | the Office of Planning would not support it. I don't know what
15 | the next step down is that would get it to medium density
16 | commercial, but it would not be the same density. It would not
17 | be the same allowable height. Well, it might be the -- a similar
18 | density, I don't know. But did you look at that, to see --

19 | MS. CAIN: So --

20 | COMMISSIONER MAY: -- whether -- how it would --

21 | VICE CHAIR MILLER: Yeah. Was it A or -- it was an A
22 | or 10, Commissioner May.

23 | COMMISSIONER MAY: MU-10? Did you look at that?

24 | MS. CAIN: So we did look at those. I will note that
25 | the MU-10, which is specifically called out, does provide the

1 same amount of density. The only difference is the height. The
2 MU-8 is lower. You know, at this point, we're not viewing this
3 as an issue of what can be approved. It's a matter of what is
4 required to do that. As a map amendment, the only standards were
5 consistency with the Comprehensive Plan, simply the FLUM and the
6 GPM. With a PUD, there are different things that can be
7 considered. So I --

8 COMMISSIONER MAY: All right. Well, you're going
9 beyond my question. I'm just asking you if you compared it, and
10 you said that you did. And I get that MU-10 is comparable. I'm
11 not sure that that Office of Planning would actually support that
12 either. It would be interesting to know -- it would have been
13 interesting to know what IZ Plus for MU-8 would have been. That
14 actually would be very helpful information to understand, because
15 it, you know, the MU-9A was simply not going to happen.

16 Now, the comparison to The Wharf, and you point out the
17 heights of The Wharf. So do you understand the nature of the
18 zoning on The Wharf, that in that circumstance, the PUD called
19 for greater heights but not the same density that goes with
20 130-foot buildings? Do you know that? I know that probably
21 predates when you were with the Office of the Attorney General.
22 But do you understand that principle?

23 MS. CAIN: Do I understand that principle. We're
24 looking at it as a matter of FLUM, and the FLUM does designate
25 The Wharf area --

1 COMMISSIONER MAY: I'm not asking you about the FLUM.
2 I'm asking you whether you understand what happened with The
3 Wharf.

4 MS. CAIN: Yes.

5 COMMISSIONER MAY: What happened with The Wharf is that
6 we approved 130-foot heights, but the maximum density was much
7 lower than would ordinarily be associated with 130-foot
8 buildings. And that was so that we could have development that
9 was, if not, you know, immediately compatible to the rest of
10 Southwest. In other words, it wouldn't necessarily fit north of
11 Maine Avenue, but it was intended to have buildings that could
12 be taller but also were not as packed in, right.

13 So there's a big difference between what's happening
14 in say, the Navy Yard area, where every building is going up to
15 the maximum height, and going out to the building front, and
16 there's very little kind of manipulation of the building form.
17 And it's -- it really is -- they are like canyons over there.
18 But The Wharf was always intended to be different from that,
19 because of that zoning approach. Now, so having explained all
20 that, did you know that about The Wharf?

21 MS. CAIN: I did know about The Wharf.

22 COMMISSIONER MAY: You did know that about The Wharf.
23 So if you know that much about it, it seems to me that the advice
24 that you are trying to give us is inconsistent with having that
25 broader knowledge. I don't think we need to be lectured in the

1 way we have been lately from the Office of Attorney General, in
2 this sort of corrective fashion where we're not doing enough. I
3 mean, we understand the Comprehensive Plan. We work with it all
4 the time. We know what inconsistency means. And, you know, you
5 made the statement that this proposal is blatantly inconsistent
6 with the FLUM, and yet you're advocating that we consider this
7 as if it were an MU-9A, 130-foot building site, which would be.

8 I mean, if it was just a map amendment to MU-9A, that
9 would be inconsistent with the FLUM. But this is not, because
10 the FLUM is based on densities, not heights. And there's nothing
11 in the FLUM that seems inherently inconsistent with this. When
12 you consider all of the other things, that's what we have to
13 balance, right? We have to think about all the other policies,
14 and we have to think about the Small Area Plan. But you know,
15 you made the statement that it's inconsistent with the FLUM. I
16 don't see how you can do that.

17 I guess that wasn't a question. That was just a
18 statement. So I have my own issues.

19 I think I'm done, Mr. Chairman. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you.

21 Commissioner Imamura, any questions?

22 COMMISSIONER IMAMURA: No. I will leave it on the
23 exclamation point of Commissioner May.

24 CHAIRPERSON HOOD: All right. And Vice Chair Miller,
25 any questions or comments?

1 VICE CHAIR MILLER: I don't think I have any questions.
2 I thank Ms. Cain and the Office of the Attorney General for your
3 work in your new role advocating -- (audio interference) no
4 comment that you might want to make in response to the questions
5 I asked of, and the Chairman asked, I think, of the Applicant,
6 and I asked of Office of Planning to respond to your written
7 testimony and verbal testimony to come when I made that statement.
8 So I welcome that.

9 But you asked that you be able to respond to whatever
10 they respond to. I don't think you get the last word. Maybe
11 you do, because you get -- you can appeal our cases, and you
12 can -- while you're simultaneously in another division somehow
13 defending our decisions, which is a whole other conversation to
14 have. And maybe OAG wants to separate themselves from that role,
15 as they have done with other independent agencies, which maybe
16 is what's about to happen. Because it's a very unusual situation
17 here. And -- but I mean, I appreciate the information that you
18 bring forward.

19 I watched your training sessions, or -- that you
20 personally gave to ANCs and to Empower DC when -- on the case
21 that was -- this isn't relevant to this case. But you're here,
22 and we're having a candid conversation. I watched that. There
23 was a lot of good information that you provided, but you
24 questioned in those sessions the intent, I felt, well, I don't
25 usually get defensive.

1 I mean, I've been participating in the Zoning
2 Commission for 10 years. I've been in the D.C. government for
3 40 years. I'm on the receiving end of a lot of criticism. I
4 can take it. It's fine. It's welcomed. It's usually deserved.
5 But you were questioning motives of us in those -- that case
6 which -- about rules and procedures that we were -- that we
7 somehow were purposely trying to -- and the Office of Planning
8 was trying to, in their proposal, avoid -- reduce, not avoid,
9 reduce public participation.

10 And I don't think questioning motives, as part of a
11 public discussion about a case where you're trying to educate
12 people about issues is appropriate. I think it's divisive. I
13 found it divisive. I found it inflaming to the audience that
14 you were delivering to unnecessarily. I mean, I -- you would
15 throw out, "Oh, yeah, maybe it was an oversight that they left
16 that out," or -- really it just was presented in a way that
17 questioned motives and intent and it -- unnecessarily divisive.

18 And I think that your office needs to look at how you're
19 advocating in this new role. It's an educational role. It's an
20 important role. And I applaud you for taking on -- I applaud
21 the Attorney General for taking on this role. But it can be done
22 in a way that is inclusive, where we're all participating
23 together, trying to get to the same goal. We all want a more
24 inclusive city. We all want more affordable housing. You know
25 that based on your being our in-house counsel for years.

1 So I just think it can be done in a -- with a tone and
2 with a understanding that we all want to get there together. And
3 we don't have to have a "kumbaya" moment, where all agree on
4 every rule and regulation. But I think we need to try to work
5 more collaboratively together as one government, one city, even
6 though we -- you're an independent agency, we're an independent
7 agency. That's appropriate. We all play our roles, but I think
8 we can do it in a more positive way. And I would just encourage
9 you to do that.

10 You -- I welcome supplemental comments you want to give
11 on what Office of Planning and the Applicant might have said, but
12 in the -- in this case, on the record, I don't -- the Chairman
13 will make a decision on that, or we will on the record at the
14 end. But you're not going to get the last -- you don't get to
15 always have the last word. Maybe you will in your new role,
16 because you'll -- you can appeal, and then you're going to be
17 somehow in another division defending our decision or not.

18 It's weird. But I thank you for your testimony. It's
19 late, I probably shouldn't have said anything that I said. I
20 value the information that you provide. It -- we can always --
21 it's always -- we can always get there, but I don't think we have
22 to be questioning that we're trying to be inconsistent with the
23 Comprehensive Plan or to be reducing public participation in
24 another case when that's not the goal. That's not what it's all
25 about. It's obviously what it's not all about.

1 So thank you, Mr. Chairman. I'm sorry for rambling,
2 but you kind of got me on -- off on this tangent, and I think we
3 can move forward collaboratively together and get there. But we
4 need to do a little bit more work on working together.

5 CHAIRPERSON HOOD: Thank you, Vice Chair.

6 And I'm just going to say this, Ms. Cain is not where
7 this is going to stop; it's going to go far beyond Ms. Cain.
8 But at some point, and it's all about timing, but I will say that
9 I applaud the advocacy. I've always -- I actually mentioned to
10 them when they were our counsel that the residents of this city --
11 this happened with Jerrily Kress. This is nothing new. Leveling
12 the playing field. Residents who don't do zoning need assistance.
13 But we got to come up with the right procedure and the right
14 process. I don't mind this (indiscernible). And Mr. Racine said
15 that I was worried about it. I'm not worried, not one bit. Not
16 one iota. Because I've always tried to do what's right for the
17 city. And to the point where --

18 And I'm just saying this for to my colleagues, not to
19 you, Ms. Cain.

20 To the point where I have been sending people their way
21 who have been calling and needing help. I have been sending them
22 business, and the results come back to me negative. But those
23 people will show up. They will make their decisions of how
24 they're going to proceed. But let me just say this, when you do
25 right, you go up, up, up. When you do wrong, might not be in my

1 time, I might not see it, you go down, down, down. Trust me on
2 that.

3 But I will tell you that I appreciate this. I just
4 want to know where this advice has been. That's all. I probably
5 could have used this 10 years ago, and we probably could have
6 stopped some of this. And some of these groups that we're out
7 here talking to now, I talked to them as well. Not about cases,
8 but about things in general trying to help them. People of this
9 city want to help -- they don't do zoning all the time, and I'm
10 still learning.

11 So again, Ms. Cain, you showed up. I want you to come
12 back. I want you to come back and bring us what the -- but I
13 will say this. Ms. Cain will not have the last word, because
14 it's not in our procedures. I'm doing to leave that to Vice
15 Chair Miller. And I'm just saying this on the record, up to our
16 counsel to advise me on that, just like I used to depend on them,
17 I'm depending on our counsel to advise me how all this works.
18 This is still new.

19 And all I ask Ms. Cain, and our staff or whoever missed
20 it, I apologize, again. I should have probably called you all
21 when I -- right -- I guess, right after DDOT. I got to -- I
22 don't know who -- I think it's already in the regulations, other
23 government agencies. So I will deal with that on my part. But
24 let me know, or let somebody in the office know when you're all
25 going to testify, because you all do submit things and then you

1 don't testify. So I -- how am I supposed to know?

2 MS. CAIN: Chairman Hood.

3 CHAIRPERSON HOOD: Any closing remarks?

4 MS. CAIN: If I may, we do not need to have the last
5 word. We are fine if the Applicant and OP want to respond to
6 anything we put in. We would just like to have the opportunity
7 to put something additional into the record. So we are perfectly
8 fine with having those additional responses come in. We also,
9 you know, do actively want to work with the Commission. Our
10 intent tonight was to try to provide, as we said, some
11 information, an option for the Commission. But as you said, we
12 are all trying to work towards the same goals of equity and
13 affordable housing. So I will leave it at that.

14 CHAIRPERSON HOOD: Okay. Thank you very much. And
15 again, we're not picking on you. I don't want you to go away
16 with that, because you're not the one that we'll be looking to
17 do -- to come and talk to to get this done. And that's -- it's
18 all about timing. All right. So thank you, Ms. Cain.

19 Oh, wait a minute. Hold on. Hold on. Ms. Cain, you
20 got to come back. Oh, now you know the rules better than I do,
21 and you're gone. You've got to come back. How are you going to
22 leave? You all used to tell me the rules.

23 Let me see. Does the Applicant have any cross?

24 MS. BATTIES: No.

25 CHAIRPERSON HOOD: No cross? Okay. I guess I'm

1 supposed to see your head doing that. I guess you -- okay.

2 That's Ms. --

3 Commissioner Kramer?

4 MS. BATTIES: No, I don't. No, we don't have any
5 cross.

6 CHAIRPERSON HOOD: Thank you. Ms. Kramer, do you have
7 any cross?

8 COMMISSIONER KRAMER: No, thank you.

9 CHAIRPERSON HOOD: And Ms. Berg, do you have any cross?

10 MS. BERG: No, sir. Thank you.

11 Thank you, Ms. Cain, we greatly appreciate it. Thank
12 you very much. Have a nice evening.

13 All right. Let's go to any rebuttal. I hope it's
14 shorter. Short. And then closing.

15 Ms. Batties?

16 MS. BATTIES: Yes. So Chairman Hood, just for our
17 closing and our rebuttal, I want to respond to some of the
18 comments raised by Commissioner Kramer and the Homeowners
19 Association about project impacts. Mr. Dettman is going to
20 address some of the comments by Commissioner Kramer regarding the
21 Southwest Neighborhood Plan, and then I'll go to closing remarks.
22 But I have one question. Initially, you said you wanted us to
23 provide something -- a response in writing to the Office of
24 Attorney General's report. Shane is prepared to do a rebuttal,
25 and he can do that --

1 CHAIRPERSON HOOD: This is not a good time. This is
2 not a good time of night.

3 MS. BATTIES: Oh.

4 CHAIRPERSON HOOD: It's 10:00.

5 MS. BATTIES: Okay.

6 CHAIRPERSON HOOD: We want to be fresh. We want to
7 be -- and you can do it in a sound bite. Let's do it in sound
8 bite. And it shouldn't have to be a long, drawn out. But I
9 would also ask, Ms. Batties, that anything that you say -- or you
10 might want to get somebody else to say it, because it can be
11 crossed -- it can be crossed on rebuttal. So we want to make
12 sure we're in compliance.

13 MS. BATTIES: Yes, sir.

14 CHAIRPERSON HOOD: Okay.

15 MS. BATTIES: I understand that, so he'll speak briefly
16 to it.

17 CHAIRPERSON HOOD: All right. All right. Thank you.

18 MS. BATTIES: Okay. So I'll be very brief. So first,
19 I want to start by saying that the Applicant doesn't feel any
20 hostility or -- toward the homeowners association, or we don't
21 feel like we have like, parted ways in any way. We are -- want
22 to reiterate that the height on G Street was reduced in direct
23 response to the homeowners association and the ANC 6D
24 subcommittee.

25 Also, we've said it several times. We have agreed to

1 relocate the curb cut west in order to address the homeowners
2 association's concerns. And the ANC's committee's -- 6D's
3 subcommittee concerns about cut through traffic. So those issues
4 we have our direct response to the comments and concerns we've
5 heard from the HOA and the subcommittee. The last meeting we
6 had with the subcommittee, and we have a full list of all of our
7 meetings in Exhibit 38, but the last meeting we had with the
8 subcommittee was on July 28th. And at that time, we were prepared
9 to discuss the final parts of our benefits and amenities package,
10 and the subcommittee said that we could no longer, like, continue
11 that discussion because they were opposed to the height and
12 density of the project.

13 So I agree with what has been suggested by
14 Commissioner May and others that a meeting again on the height
15 and density, as it relates to height and density probably is not
16 going to be particularly useful at this point. But following
17 your advice, Chairman Hood, the Applicant is happy to meet with
18 the HOA and the subcommittee to see if there are other areas
19 where impacts can be mitigated. We're especially appreciative
20 of their concerns about -- and your concerns about diversity and
21 affordable housing in the community. And so we're prepared to
22 revisit that part of the application.

23 And then lastly, I just want to note that the Applicant
24 has provided in the record at Exhibit 38, A4 and A5, a complete
25 shadow study that includes the impacts from the existing

1 buildings surrounding the property.

2 And so that is something, Commissioner Imamura, I know
3 you specifically discussed. That is in the record at Exhibit 38.

4 And so, with that, I will turn it over to Shane, and
5 then I'll just have closing remarks. Thank you.

6 MR. DETTMAN: Thank you, Leila.

7 Mr. Young, I believe we had sent just a small PDF of a
8 couple rebuttals slides. Would you mind bringing that up? Thank
9 you. And if you could, I could take you right to the slide, if
10 you show the panel that shows where all the slides, and like
11 thumbnails of all the slides. It's at the end. Thank you.

12 Commissioners, I just wanted to hit a couple of talking
13 points about some of the comments around Maine Avenue and kind
14 of the canyon effects and whatnot.

15 Commissioner Kramer talked about how -- talked about
16 the existing conditions along the north side of Maine, you know,
17 characterizing it as a low-rise assembly of buildings, kind of
18 that's the "palette of the block." And I would say that -- and
19 some of my earlier testimony touched upon this. I would say that
20 if you look at some of the changes that were made to the
21 Comprehensive Plan in 2006 and even further back in the AWI
22 Framework plan, I don't know if that's the palette that current
23 District policy envisions for the north side of Maine Avenue.

24 The site was zoned MU-12 back in the 1990s. Prior to
25 that, it was it was redeveloped under urban renewal. And again,

1 in 2003, and you see here, this is a sheet from the 2003 AWI
2 Framework Plan. And you know, it talks about the redevelopment
3 of Southwest Waterfront. It also touches upon Maine Avenue as
4 a -- and it characterizes it as a "Gateway Boulevard." And it
5 shows, you know a cross-section of -- you know, it doesn't get
6 any specific -- a specific design.

7 It doesn't prescribe heights or dimensions, but that
8 section does show development on the north side of Maine Avenue
9 opposite The Wharf. And consistent with the vision in this plan
10 about Maine Avenue being a -- reconstructed as a monumental
11 boulevard, kind of similar to a lot of the other avenues -- state-
12 named avenues that you see in the city, Maine Avenue is 110 foot
13 wide, at least. And so, what that section is showing is that
14 there is development. There is a contemplation for additional
15 height and density on the north side of Maine Avenue and to kind
16 of frame, you know, this new monumental boulevard.

17 In 2006, as I mentioned, the Comp Plan was amended to
18 not only up-FLUM The Wharf to reflect high density commercial,
19 high density residential, but our site was also changed to medium
20 density commercial. So again, kind of is a way to help implement
21 that vision and the AWI Framework plan, they changed -- the
22 Council change the designation for this site to facilitate
23 greater height and density.

24 And next slide.

25 This is -- this next slide is -- this is an excerpt

1 from the Southwest Neighborhood Plan. And I know there's been a
2 lot of comments about height and height along Maine Avenue. I've
3 searched the Small Area Plan numerous times, every time I actually
4 see a comment about height along Maine Avenue. It's just not
5 there. Maine Avenue is described in the Small Area Plan in just
6 a few places. And there's -- it just talks about Maine Avenue
7 being a gateway boulevard. It doesn't talk about height. It
8 doesn't talk about it's got to be, you know, low density
9 commercial or anything like that. It just talks about Main Avenue
10 as becoming this gateway boulevard consistent with what was
11 talked about in the 2003 AWI Framework plan.

12 What it does talk about is Maine Avenue should ensure
13 an attractive transition between The Wharf and Southwest. And I
14 think if you looked at the presentation, you look at how the
15 massing of the building was moved around, how it was sculpted in
16 response to comments, how it was sculpted in response to what the
17 Small Area Plan is sort of envisioning. And think what we -- we
18 think we are providing a very attractive and appropriate
19 transition that relates to The Wharf. It's not part of The Wharf,
20 but it relates to it.

21 It's consistent with this vision of Maine Avenue as a
22 gateway boulevard. And then as you move north, it steps down to
23 90 feet, creating that relationship on G Street of 90 feet and
24 50 feet that you see throughout Southwest.

25 Lastly, Commissioner Kramer, a couple of things,

1 | expressed concern about if the Commission was to approve this
2 | project, allow the greater height on the site, that it would put
3 | the townhomes that are near Arena Stage, Riverside Baptist Church
4 | at risk of developers swooping in, building great big buildings.
5 | And I would say this is again, and you can see it's on this
6 | section of the Future Land Use Map, which -- although it's the
7 | old Future Land Use Map, but if you knew where those townhomes
8 | were, you would see that those townhomes are designated in the
9 | FLUM as moderate density residential. So as a matter-of-right,
10 | you're probably looking at 4050 feet. A developer would not be
11 | able to swoop in and seek an MU-9, MU-8, or MU-10 for where those
12 | townhomes are. The Comprehensive Plan simply does not support
13 | that, and the Commission would easily find that proposal to be
14 | inconsistent with the Comprehensive Plan.

15 | Okay, Mr. Young, you can take the slides down.

16 | I just have a couple of bullet points on OAG -- OAG's
17 | testimony. Specifically with the Future Land Use Map, and
18 | Commissioner May touched upon it already, but just to add a little
19 | bit. You know, the Future Land Use Map, if you look at the
20 | Framework Element in describing the Future Land Use Map, it
21 | specifically says it's not a zoning map. For medium density
22 | commercial, it says MU-8, MU-10, but it says other zones may
23 | apply.

24 | Again, the Framework talks about density, not height.
25 | And we are well within the medium density, commercial density

1 that's envisioned to be consistent with a medium density
2 commercial PUD. We did not seek MU-9 to increase our height. We
3 sought MU-9 to give us the flexibility to move that density around
4 the site to respond to the context of the entire site, which is
5 exactly the type of flexibility that you get through the PUD
6 process. And if you look at the McMillan order that was quoted
7 in OAG's slides, you would see that the court acknowledges that
8 flexibility. It agreed with the Commission about that type of
9 flexibility, pushing all that height to the north side of that
10 site, so that you can spread out and have some more open space
11 on the rest.

12 My last point was -- is that -- and at the risk of
13 appearing as if I'm kind of piling on, and I don't mean to do
14 that -- but there is a good example of a site recently approved
15 in 2020, PUD, the same Future Land Use Map designation, medium
16 density commercial, and it sought MU-9, and it was approved. It
17 was deemed to be not inconsistent with the Future Land Use Map,
18 and that order was authored by OAG. I even looked at the
19 Applicant's draft order, and the Future Land Use Map section was
20 completely changed.

21 And I have that section of the order, and it says, "The
22 application is not inconsistent with the FLUM's medium density
23 commercial designation. Unlike a zoning map, the FLUM is intended
24 to be interpreted broadly. Although the proposed MU-9 zone is
25 described as a high-density zone, it's additional height and

1 density would allow the redevelopment of the PUD site to
2 concentrate density so as to allow greater sightlines (phonetic)
3 the river and the site -- more dedication of open space. This
4 was a site that was down by the Waterfront.

5 The project's overall density will be within the
6 permissible density -- within a density permissible for a PUD,
7 utilizing IZ in a medium density commercial area. It would be
8 below the maximum densities permitted in the MU-8 and MU-10 zones,
9 that the Comprehensive Plan expressly identifies as consistent
10 with the FLUM's medium density commercial. It would be well
11 below the maximum 9.36 FAR permitted for a PUD utilizing IZ in
12 the MU-9."

13 And I only wanted to read that excerpt, is because
14 the -- these words that are on this order, with the same set of
15 circumstances with the FLUM and the MU-9 and pushing density in
16 one place in order to free up some space or respond to the
17 surrounding context, that's exactly what we're doing here.
18 There's no difference. The only difference is the site. And
19 so, I think what this section of the order does is it reiterates
20 that what we're proposing to do with our MU-9 zone is clearly
21 not inconsistent with the Future Land Use Map designation of
22 medium density commercial for this site. That's all I have.

23 MS. BATTIES: Thank you, Shane.

24 And so, just briefly in closing, Mr. Chairman --

25 CHAIRPERSON HOOD: Ms. Batties, before you close, let

1 me see if there is any cross of Mr. Dettman. If you all can mute
2 for a second.

3 Mr. Dettman, that last part that you have, I want you
4 to supply that to the record, if it's not already in there. I
5 really appreciate that. And I want that to be labeled. That
6 it's the response to what OAG -- and that's my point. And I
7 appreciate you bringing that up. It worked then. Now that things
8 have changed, now it doesn't work. That's something I need, not
9 just for this case, but just period. So if you could send that
10 to the staff, I'd really appreciate it.

11 But before -- Ms. Batties, before you go into closing,
12 let me see if there's any cross on rebuttal.

13 Commissioner Kramer.

14 COMMISSIONER KRAMER: I do have a question. I'm glad
15 that Mr. Dettman brought this up. On the Small Area Plan quote
16 that the -- "ensure that Maine Avenue provides an attractive
17 transition for the Southwest neighborhood to The Wharf," I think
18 that's the -- the slide is not there anymore, but that's
19 approximate. How is this an attractive transition rather than a
20 replication of The Wharf?

21 From all the testimony that we've heard this evening,
22 the -- this is the same as The Wharf except actually higher in
23 terms of site. Why is this a transition to the Southwest
24 neighborhood as opposed to a replication of The Wharf?

25 MR. DETTMAN: I think when you're looking at

1 transition, you have to look more broadly than just, you know,
2 what's happening immediately after The Wharf. I think you have
3 to look at the entire block. And actually, if you're thinking
4 about the transition from The Wharf to the Town Square -- Capitol
5 Square Townhomes, you have to look at that entire cross section.
6 And I think a replication of The Wharf would be a proposal that
7 would seek MU-9 in order to go to 130 feet on the entire site.

8 I think what we're proposing -- and again, we're also
9 trying to balance other things, like this idea of a gateway
10 condition that's talked about in the Small Area Plan. And it
11 was something that was requested by the Office of Planning. I
12 think the transition as you look along that cross section, from
13 The Wharf all the way up to G Street, where you have The Wharf
14 at 130 feet, 110 foot right of way, you have a building that is
15 consistent with the scale of The Wharf. And then as you continue
16 to move, your -- at a certain point, it drops down to 90 feet,
17 and then continues to the north end of the site to G Street,
18 which I think has a right of way width of 90 feet. It's pretty
19 wide.

20 MR. SCHIESEL: It's 110 feet.

21 MR. DETTMAN: One hundred ten foot wide G Street, and
22 then you have the 50-foot townhomes. I think when you're talking
23 about transition, at least in my mind, I think about what are
24 the two extremes of where -- what that transition needs to
25 address. And you look across that entire sort of transect. And

1 I think what's being proposed, that stepdown to 90 feet and that
2 relationship on G Street is appropriate, especially when you look
3 at the different relationships throughout Southwest.

4 COMMISSIONER KRAMER: With due respect, we're talking
5 about Maine Avenue. We're not talking about a vertical pass to
6 G Street. We're talking about Maine Avenue, a building that is
7 at Maine Avenue -- that's what we're talking about, that's what
8 you brought up -- that piece is a replication of The Wharf.
9 That's -- But I -- that's my question. That's as I would ask
10 you to --

11 MR. DETTMAN: I'd like to clarify the question. Why
12 is this an appropriate transition?

13 COMMISSIONER KRAMER: I understand that, and we're only
14 talking about why the Maine Avenue choice. We're only talking --
15 you brought it up. We're talking about Maine Avenue. And so,
16 it's the Maine Avenue -- the north side of Maine Avenue that is
17 in question here. So going back to -- G Street is not part of
18 the discussion. You're talking about a section of the Small Area
19 Plan, which specifically talked about The Wharf. That was the
20 nature of that question.

21 MR. DETTMAN: The transition -- the Small Area Plan
22 says transition from The Wharf to the Southwest neighborhood. So
23 that's what we need to be talking about if we're going to talk
24 about transition.

25 CHAIRPERSON HOOD: Okay. Thank you. Any other

1 questions.

2 COMMISSIONER KRAMER: Is there any way on the -- the
3 second question, is there any way -- when you talked about the
4 waterside townhouses that are on Maine Avenue, and is there any
5 other way that they could come -- you said that's -- they're not
6 at risk. So is there any other way that they could come in with
7 a PUD or anything else that would actually put them at risk?

8 MR. DETTMAN: I think the first thing that would have
9 to happen is that that site would have to be significantly up
10 FLUMed through a Comprehensive Plan amendment process, Council
11 hearing, and everything like that.

12 COMMISSIONER KRAMER: Okay. I have no further
13 questions. Thank you.

14 CHAIRPERSON HOO: Thank you.

15 Ms. Berg, do you have any questions?

16 MS. BERG: No. Commissioner Kramer asked just
17 basically what I would have asked, except that I would just like
18 to remind you that they're proposing a building on the southern
19 part of the parcel that is taller than The Wharf. And so, I
20 don't understand how a transition zone starts, goes up.

21 CHAIRPERSON HOOD: Is that a question, Ms. Berg, or is
22 that testimony?

23 MS. BERG: Well --

24 CHAIRPERSON HOOD: Is that a question that you want to
25 frame to them?

1 MS. BERG: No, sir. Thank you.

2 CHAIRPERSON HOOD: Okay. Well, we -- your statement,
3 I want you to know, we get that. We understood that. Got you.

4 MS. BERG: Thank you, sir.

5 CHAIRPERSON HOOD: All right. Thank you.

6 All right. Ms. Batties, can you give us your closing?

7 MS. BATTIES: Sure. So I would just note that the
8 Applicant has demonstrated through testimony and documents in the
9 record how this application complies with the standard of review
10 for approving the PUD. I'd also like to note that there are 21
11 letters in support of the PUD from people who reside and work
12 within a mile of the site. And those letters noted a couple of
13 things. First, that the PUD is a -- is transit-oriented, because
14 of the location within a half mile of the Metro; the need for
15 additional housing in the neighborhood to lower demand; the need
16 for grocery store to serve the Southwest neighborhood. And one
17 person that works at The Wharf noted that, "While there are
18 several restaurants, it's hard to find basic healthy food
19 options, like carrots and apples." That's a quote.

20 And then it was noted in the -- these letters of support
21 that the improved -- they noted the improved biking, pedestrian
22 and vehicular experience on 9th Street with the transportation
23 improvements.

24 So I'd like to close by just reading a few sentences
25 from a letter in support at Exhibit 82 of the record. And this

1 letter is from Ryan Quinn, who lives at Potomac Place Tower. It
2 is at 800 4th Street Southwest, which is just a half mile from
3 the site.

4 And he writes, "I support this project -- these
5 projects, both Maine Avenue projects, because it creates urgently
6 needed housing in our neighborhood and the city and will help
7 encourage public transportation and will increase housing
8 affordability. Study after study has shown that redeveloping
9 older, low-density buildings with new high-density buildings is
10 one of the most direct ways to reduce housing costs.

11 It saddens me that some of my wealthiest neighbors,
12 many who live in affluent low-density single-family homes,
13 continue to use their financial and political resources to block
14 new housing. Zoning changes that open up our neighborhood to a
15 new apartment building would substantially increase the supply
16 of housing, while also making our community more financially
17 accessible to more families."

18 And so I'll close on that note. Mr. Chairman, I know
19 you've asked for certain items to be put into the record and for
20 us to meet with the HOA and the ANC. We're happy to do that.
21 And so, we respectfully request, you know, a date certain for
22 that -- for the information and those meetings to take place so
23 we can get those items and the (indiscernible) of our meetings
24 into the record.

25 CHAIRPERSON HOOD: Thank you, Ms. Batties. Let me ask

1 | you; is Ryan Quinn related to somebody that used to work at
2 | Holland & Knight? I'm just curious.

3 | MS. BATTIES: Not that I'm aware of.

4 | CHAIRPERSON HOOD: Okay. All right.

5 | Let me ask my colleagues if they any follow up questions
6 | or comments?

7 | (No audible response.)

8 | CHAIRPERSON HOOD: Okay.

9 | All right, Ms. Schellin? Ms. Schellin? Ms. Schellin?

10 | MS. SCHELLIN: I'm sorry. I'm here. I couldn't find
11 | the button fast enough. I was hearing you.

12 | CHAIRPERSON HOOD: Oh, okay. I know it's after 10. I
13 | was hoping nothing happened. Okay. Ms. Schellin, could you come
14 | up with some dates, so we don't --

15 | MS. SCHELLIN: Yes. I have not fallen asleep yet. I'm
16 | pretty close though.

17 | Okay. Ms. Batties, you know everything that you need
18 | to supply. So I'm going to ask you: Is two weeks enough time?

19 | MS. BATTIES: Yes. And I say that understanding that
20 | Ms. Berg and Ms. Kramer are on the line. So we'd ask that we be
21 | able to meet with them next week.

22 | MS. SCHELLIN: Yes.

23 | COMMISSIONER KRAMER: Okay.

24 | COMMISSIONER MAY: Let me jump in here, because two
25 | weeks seems really quick, given the level of discussion that may

1 | be needed. Could we give them a little bit more time?

2 | I mean, Mr. Chairman, maybe you feel differently, but
3 | I just think we ought to give them a little more time rather than
4 | try to rush it.

5 | MS. SCHELLIN: If we take it for action in December,
6 | we can do that. We have one meeting in November, I think. Let
7 | me check. I might be wrong. Yeah, we only have one meeting in
8 | November, so I was trying to shoot for that date. But we can
9 | certainly shoot for the December meeting.

10 | COMMISSIONER MAY: Okay. If we have the meeting, I
11 | mean, the meeting in November is like the third week.

12 | MS. SCHELLIN: The 10th.

13 | COMMISSIONER MAY: It's the 10th. So --

14 | MS. SCHELLIN: It's always the second Tuesday and
15 | whatever the last.

16 | COMMISSIONER MAY: Yeah, yeah, yeah. I got it. I got
17 | it.

18 | MS. SCHELLIN: Thursday. I'm sorry. Thursday.

19 | COMMISSIONER MAY: Yeah.

20 | CHAIRPERSON HOOD: We have a big agenda item on the
21 | 10th, Commissioner May, and others.

22 | MS. SCHELLIN: Yeah.

23 | CHAIRPERSON HOOD: Let's try to move that further.
24 | Like you said, I agree. Let's move it further.

25 | MS. SCHELLIN: Okay. So then we'll -- in that case,

1 working back from December 15th to allow them time to meet and
2 the ANC to have their meeting, I'm going to say until
3 November 21st. So that'll give them --

4 COMMISSIONER KRAMER: Sorry. I'm not following what
5 you're doing. You're not moving into December; is that right?

6 COMMISSIONER MAY: Yeah, we are.

7 MS. SCHELLIN: Right. I'm giving you the first date,
8 which is between now and November 21st, you're going to meet with
9 the Applicant and the homeowners association. And any
10 submissions that were asked for from the Commission are due that
11 day by three p.m.

12 COMMISSIONER KRAMER: Is that for both of us or just
13 the Applicant?

14 MS. SCHELLIN: If you were supposed to submit
15 something, yes. And then responses from the parties -- so you
16 get to respond to each other's submissions -- would then be due
17 on November 28th.

18 And I'm going to now turn to the Commission. Did you
19 guys want the Office of Planning to provide any responses to
20 anything that the Applicant would be providing? And did you
21 decide whether you actually want OAG to -- I heard her say that
22 she doesn't want to respond to what the Applicant submitted, but
23 to just provide an additional response. If so, then she could
24 submit that by 11/21, which would allow the parties to respond
25 to it, because they are allowed to respond to it.

1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: That's if you want to.

3 COMMISSIONER MAY: And I think -- I do think that if --
4 I mean that certainly makes sense -- but I do think that if
5 something substantive comes out of the further discussions, then
6 we would like to have the Office of Planning weigh in on it.

7 MS. SCHELLIN: Okay. So then -- and so that would be
8 when Ms. Kramer was asking if they had anything due on the 21st.
9 It sounds like the Commission would like to hear from -- have Ms.
10 Berg submit something, the ANC, and the Applicant regarding the
11 outcome of their meetings, if they want to --

12 COMMISSIONER MAY: Yes.

13 MS. SCHELLIN: -- they could submit it.

14 COMMISSIONER MAY: Yes.

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Okay. So if you guys choose to submit
17 the results of that meeting, and maybe a resolution that your ANC
18 voted on, you can do that by November 21st, 3 o'clock p.m. The
19 Applicant's going to make their submissions that day. And then
20 on 11/28, that's the day that the Office of Planning and you, as
21 the ANC, the party in opposition, and of course, the Applicant
22 get to respond to each other's submissions that were made on the
23 21st. Are you following, Ms. Kramer?

24 COMMISSIONER KRAMER: Do we do that in public -- do we
25 do that in a public session, or are we doing that in a submission?

1 MS. SCHELLIN: No. The hearing is over when we finish
2 tonight, so it will be by paper only.

3 COMMISSIONER KRAMER: Okay.

4 MS. SCHELLIN: By 3 p.m., on the 28th. And any draft
5 findings of facts and conclusions of law, if you'd like to submit
6 them, are due by 3 p.m. on the 28th. The Applicant must submit
7 them. If you submit them, you submit them through IZIS and then
8 send me a Word version, just to me. And then we'll put this on
9 for 12/15 at four o'clock.

10 Chairman Hood, did you guys decide if you want Ms. Cain
11 to make a further -- are you going to allow her to do that or
12 not?

13 CHAIRPERSON HOOD: Yeah, the 21st, I think she -- I
14 don't know what she's -- she can respond.

15 MS. SCHELLIN: She was going to submit a further
16 submission.

17 CHAIRPERSON HOOD: Yeah.

18 MS. SCHELLIN: Okay.

19 CHIARPERSON HOOD: She was going to do that on the
20 21st, and then that way, everybody gets our process right.

21 MS. SCHELLIN: She can do that on November 21st. And
22 I don't see her anymore, but maybe one of her co-workers is
23 watching on YouTube --

24 CHAIRPERSON HOOD: Yeah, I'm sure they're probably on
25 YouTube. We have quite a few, yeah.

1 MS. SCHELLIN: -- and they can pass that information
2 on, or maybe she is.

3 CHAIRPERSON HOOD: Well, let's make sure. Let's make
4 sure that we get the information to them, just in case they're
5 not on YouTube, because we have quite a few watching us on
6 YouTube.

7 MS. SCHELLIN: Okay. And so, again, those submissions
8 are due by 3 p.m. on the 21st. The answers from the parties only
9 would be due by 11/28 3 p.m. Draft findings of fact and
10 conclusions of law would be due by 3 p.m. on the 28th. And we
11 will put this on the Commission's December 15th agenda at
12 4 o'clock p.m. Other than that, what was asked for, the record
13 is closed. No more submissions.

14 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. I
15 think we're all on the same page. So with that, I'm going to
16 close --

17 Ms. Berg?

18 MS. BERG: I'm sorry. What does the HOA need to submit,
19 a response or something?

20 COMMISSIONER MAY: Report out on your meeting.

21 MS. BERG: Okay. So our thoughts on the meeting when
22 we meet with them, write that out. And then the time.

23 COMMISSIONER MAY: Sound bites and to the point.

24 MS. SCHELLIN: You can call me tomorrow, if you want
25 to.

1 MS. BERG: I think I might, Sharon.

2 MS. SCHELLIN: Yeah. Okay.

3 MS. BERG: I think we'll be able to work with that.

4 MS. SCHELLIN: Or Monday. I mean you can call me
5 tomorrow. It's not my normal day in, but I will answer your
6 questions. You know, give me an email and I'll call you back.

7 MS. BERG: It can wait until Monday if needed to.

8 MS. SCHELLIN: Yeah.

9 MS. BERG: I don't want to bother you on your day off.

10 MS. SCHELLIN: Okay. Sounds good.

11 MS. BERG: And then a construction management
12 agreement, is that something that goes into the case file, or is
13 that something we just hope that they offer us or?

14 MS. SCHELLIN: It's a private agreement.

15 Or Chairman Hood, do you want to take that one?

16 CHAIRPERSON HOOD: And you'll -- we'll point to it, but
17 I mean, I'll leave that up to you all. That's part of your
18 discussions, if they choose to enter into one. But it will be
19 good discussion. You all can negotiate.

20 COMMISSIONER MAY: The Applicant can proffer a
21 construction management agreement.

22 CHAIRPERSON HOOD: Yeah. That's what I'm saying, they
23 can proffer it.

24 COMMISSIONER MAY: Yeah.

25 CHAIRPERSON HOOD: Yeah.

1 COMMISSIONER MAY: I, you know, it's one of those things
2 that they -- where the Applicant --

3 VICE CHAIR MILLER: We usually reference a construction
4 management agreement in our zoning orders, but because they are
5 not enforceable through zoning, they aren't usually a specific
6 condition in the order enforceable by Zoning. But they are
7 referenced. And in that CMA, you can have your own enforceable
8 measures, which this ANC is very familiar with how to do that.

9 CHAIRPERSON HOOD: It's (indiscernible) we're saying
10 the same thing. Yeah.

11 MS. SCHELLIN: All right.

12 CHAIRPERSON HOOD: We're saying the same thing, so it's
13 getting late.

14 MS. BERG: Thank you.

15 CHAIRPERSON HOOD: So let me go ahead and close this
16 out. Anything else?

17 And let me just say, Commissioner May, I want to thank
18 you, because I know in the (indiscernible) room, 10 o'clock was
19 the cutoff. So I want to thank you for not -- I'm not going to
20 say you turn into somebody else at 10 o'clock, but I want to
21 thank you for sticking with us.

22 COMMISSIONER MAY: We're so close to the end. It's a
23 lot quicker commute for me to get home now.

24 CHAIRPERSON HOOD: Okay.

25 MS. SCHELLIN: I agree. I just said that today.

1 COMMISSIONER MAY: Oh, yeah.

2 MS. SCHELLIN: So when they ask me, do you like virtual
3 hearings?

4 CHAIRPERSON HOOD: So again, I want to thank everyone
5 for participation tonight. And this -- the Zoning Commission
6 will meet again, October 13th. So you all have a -- I guess,
7 that's a week off, right?

8 Ms. Schellin?

9 MS. SCHELLIN: Monday's a holiday, so --

10 CHAIRPERSON HOOD: Oh, no wonder we're not meeting
11 Monday. Okay. So --

12 MS. SCHELLIN: Three-day weekend.

13 CHAIRPERSON HOOD: -- October 13th, it'll be our
14 regular -- I think it's a meeting.

15 MS. SCHELLIN: It is.

16 CHAIRPERSON HOOD: Yeah, it's a meeting case. We'll
17 start at 4 p.m. on the same platforms. I want to thank everyone
18 for their participation tonight.

19 And let's make it work, Ms. Batties and others.

20 And with that, this hearing is adjourned. Goodnight.

21 (Whereupon the above-entitled matter went off the
22 record at 10:30 p.m.)

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In the matter of: Public Hearing

Before: DCZC

Date: 10-06-22

Place: Teleconference

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